

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
SPECIAL SESSION 1969
REGULAR SESSION 1969
IN THREE VOLUMES
VOL. I



ALBERT P. BREWER, Governor
O. J. "JOE" GOODWYN, President Pro-Tem of the Senate
RANKIN FITE, Speaker of the House
HUGH D. MERRILL, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1969 Special Session and the 1969 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Mabel Amos
Secretary of State.

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PREFACE

ALABAMA LAW

(Regular Session, 1969)

Act No. 5

H.J.R. 1—Neville

HOUSE JOINT RESOLUTION

WHEREAS, the coming of tomorrow, May 7, 1969, marks the first anniversary of the death of the beloved former Governor of the State of Alabama, Lurleen Burns Wallace, and

WHEREAS, this Legislature wishes to pay appropriate tribute and respect to the memory of this great lady and devoted servant of the people of the State of Alabama, and

WHEREAS, her love and compassion for the people of Alabama was only exceeded by the self-same love and affection returned by them to her, and

WHEREAS, her works and deeds during her lifetime have left eternal monuments to her memory in the minds and hearts of all Alabamians, and

WHEREAS, this Legislature is ever mindful of her appearance before this body and of the programs and proposals sponsored by her on behalf of our less fortunate fellowmen, and

WHEREAS, seeking an appropriate means whereby to eulogize her memory on this occasion we do deem the recent address of the Honorable T. B. Hill, Jr., eminent lawyer and citizen of the state, delivered before the annual convention of the National Guard Association of Alabama to be a most eloquent and appealing memorial to her life and actions, such address being in words and form as follows:

EULOGY OF GOVERNOR LURLEEN BURNS WALLACE

Delivered by Thomas B. Hill, Jr., April 13, 1969 At Annual Meeting of Alabama National Guard Association

General Hardin, Members of the National Guard Association of Alabama, Ladies and Gentlemen:

You have conferred upon me a deeply appreciated privilege and a cherished honor, by your invitation extended to me to be with you on this occasion, and to eulogize the memory of your

late Commander-in-Chief, the revered and lamented Governor Lurleen Burns Wallace.

She has been gone from us now almost a year, but all of us recall, I am sure, the fateful morning of her departure, the 7th day of May 1968, when it seemed as if a pall of quiescent sorrow had settled like a cloud over our beloved State. I cannot recall any occasion which generated a more universal atmosphere of grief and sadness among our people than did the announcement of her passing. Seemingly from every lip came, in hushed and muffled tones, the sad exclamation: "Governor Lurleen is dead."

To those of us who had known her, either personally, or through her activities as Chief Executive of our State, and who had come to admire and respect her, as did all with whom she came in contact, it seemed incredible that she had passed from us forever, that no more would we be privileged to see her sweet and smiling countenance or hear her learned and discerning dissertations and discussions of matters of vital interest to our people and our State; we could not bring ourselves to believe that she had "left the shore touched by the hysterious sea that never yet has borne on any wave the image of a homeward sail." And, as the shock of the heart-rending news of her death permeated into the far corners and regions of our State, and our people were awakened to the full realization of the tragic loss we had sustained in her untimely death, the great human heart of Alabama was weeping for one of its finest and best-loved citizens.

Lurleen Burns Wallace was born in Tuscaloosa County, Alabama, on September 19, 1926, the daughter of Estelle B. and Henry Morgan Burns. Her parents were of modest means, and little did they realize that they had on that day brought forth a daughter who would one day reflect great honor upon them, reach the pinnacle of political success as the first member of her sex to occupy the exalted office of Governor of Alabama, and upon her passing leave in the minds and hearts of her people in Alabama a cherished memory which would be the envy of all men.

She received here elementary and primary education in the public schools of Tuscaloosa County. She graduated from Tuscaloosa Business College in 1942, and on May 22, 1953, she became the bride of a young law student who was destined to become a great and steadfast American, George Corley Wallace of Alabama. There are four children of that union, Bobbie Jo (Parsons), Peggy Sue, George Corley, Jr., and Janie Lee. It

was not alone as Chief Executive of our State but, also, her role as wife and mother that truly qualified her for the title of Alabama's First Lady. To the amazement and consternation of her political opposition and detractors, who, in their efforts to defeat her in her race for the Governorship, proclaimed long and loud that she would provide no leadership as Governor of the State, she responded to their jeers and mockery by displaying tremendous qualities of leadership and statesmanship. Her speeches and addresses to the Legislature and to the people of Alabama over radio and television demonstrated a broad and comprehensive understanding of the affairs of state; and, they were delivered in a gracious and convincing manner, confounding her opposition and earning in her own right universal admiration and respect for her capability.

Her meteoric rise from housewife to the Governorship of Alabama is a true exemplification of one of the facets that has made America the great nation that it is today, by demonstrating that no goal or objective is beyond the reach of any private citizen of this land who has the will and determination to achieve it.

And then, without warning, she was stricken with a recurrence of the malignancy which had appeared several years earlier, and from which she had been assured there had been a full and complete recovery. She bore with great courage and fortitude the severe and painful surgery and subsequent treatments which it was hoped, though in vain, would effectively eliminate the dreadful disease. But, the long struggle against the inexorable advances of the insidious and mortal malady was more than she could bear. She did not falter or repine; and, when the pallid messenger with the inverted torch beckoned her to depart, she bravely and courageously passed into the Undiscovered Country. The fight had been long and arduous, and it had taken a terrific toll of her physical strength and vigor; and, I am sure that, as she lay there, in the peace and quiet of imminent and impending death, her thoughts were those so beautifully expressed by Robert W. Service, when he said:

"Master, I've filled my contract, wrought in Thy many lands; not by my sins wilt Thou judge me, but by the work of my hands. Master, I've done Thy bidding, and the light is low in the West; And the long, long shift is over. Master, I've earned it, rest."

In these troublous times, when we are living so fast and furiously, we give little thought or heed to the perplexing

mysteries of life and death. It is only when we are suddenly stricken by the departure from our midst of one who is near and dear to us that we pause to think, and ask the question: "What is life, and what is this thing called death?"

I believe it was Ingersoll who defined life as:

"A narrow vale between the cold and barren peaks of two eternities. We strive in vain to look beyond the heights. We cry aloud, and the only answer is the echo of our wailing cry. From the voiceless lips of the unreplying dead, there comes no word; but, in the night of death, hope sees a star and listening love can hear the rustle of a wing."

And, in our sorrow, there comes to mind the question so beautifully expressed by Senator Ingalls in his eulogy of Senator Ben Hill of Georgia, which, with slight paraphrasing, we might well and appropriately apply to the passing of Governor Lurleen Wallace:

"Whether her going thither was but one step across an imperceptible frontier, or whether an interminable ocean, black, unfluctuating, and voiceless, stretches between these earthly coasts and those invisible shores, — and we do not know.

Whether on that May morning after death she saw a more glorious sunrise with unimaginable splendor above a celestial horizon, or whether her apathetic and unconscious ashes still sleep in cold obstruction and insensible oblivion, — and we do not know.

Whether her strong and capable, but gracious energies found instant exercise in another arena, or whether her powers were dissipated and dispersed with her parting breath — we do not know.

These are the unsolved, the insoluble problems of mortal life and human destiny which prompted the troubled patriarch of old to ask that momentous question, for which the centuries have given no answer: "If a man die, shall he live again?"

And, as we blindly seek and answer to the seemingly insoluble question, we derive much comfort from the thoughts and observations of the Great Commoner, William Jennings Bryan, in one of his lectures on immortality:

"If the Father deigns to touch, with Divine Power, the cold and pulseless heart of the buried acorn to make it burst forth from its prison walls, will He leave neglected in the earth,

the soul of man, made in the image of his Creator? If He stoops to give the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the sons of men when the frosts of winter come? If matter's multitude of forms can never die, will the spirit of man suffer annihilation when it has paid a brief visit like a royal guest, to this tenement of clay? No, I am as sure there is another life as I am that I live today."

In these beautiful words, the Great Commoner has given expression to that comforting tenet of the Christian Faith, from which those of us who are left behind can derive so much solace and consolation, in the confident conviction that we shall be separated only for just a little while from our loved ones who have gone on before; that:

"They are not gone who pass
Beyond the clasp of hand,
Out from the strong embrace;
They are but come so close
We need not grope with hands,
Nor look to see nor try
To catch the sound of feet;
They have put off their shoes
To softly walk by day
Within our thought, to tread
At night, our dream-led paths
Of sleep.

"They are not lost who find
The sunset gate, the goal
Of all the weary years.
Not lost are they who reach
The summit of their climb,
The peak above the clouds
And storms. They are not lost
Who find the light of sun
And stars and God.

"They are not dead who live
In hearts they leave behind,
In those whom they have blessed.
They live a life again,
And shall live through the years
Eternal life, and grow
Each day more beautiful,

As time declares their good,
Forgets the rest, and proves
Their immortality."

And so we say: "For a little while, good night, Sweet Princess, may flights of angels sing thee to thy rest."

NOW, THEREFORE, BE IT RESOLVED BY THE
LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF
CONCURRING AS FOLLOWS:

That this eulogy be now read to this assembled body and that the contents of this Resolution and accompanying eulogy be spread upon the records of this Legislature and entered in the Acts of this Session as a preface thereto.

It is further ordered that the Clerk of the House be directed to furnish copy of this Resolution to the family of the late Governor Lurleen Burns Wallace in appropriate manner and form.

Approved June 12, 1969.

Time: 4:10 P.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 16th day of June, 1969.

JOHN W. PEMBERTON
Clerk of the House

**MESSAGE OF GOVERNOR ALBERT P. BREWER
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT SPECIAL SESSION APRIL 1, 1969**

Mr. President, Mr. Speaker, members of the joint session, ladies and gentlemen:

We are assembled here tonight in extraordinary session for a most extraordinary reason — to do something more, to do something better, for the school children of our State.

After months of study, after many personal visits to schools in our State, and after long and invaluable consultation with you members of the legislature, I am convinced that a crisis does indeed exist in public education in Alabama today.

We have been here before.

We have too long had a crisis approach to education in Alabama. That is, we have moved from crisis to crisis — each time, appropriating more money for the public school system, yet not actually doing anything to improve the system itself. Our approach to education, rather than keeping pace with the times, has simply become more expensive.

At the outset I must say — and say it emphatically — that we Alabamians need not be ashamed of our efforts in public education. We can look with pride upon the fact that we rank fourth in the nation in state support for our schools. We can look with even greater pride upon the fact that Alabama ranks very high nationally in percentage of support for education based on per capita income. But despite our efforts of the past, despite our sacrifices, much yet remains to be done.

As we strive in the coming weeks to meet the challenge confronting us, it would be my fervent hope, and yes, my fervent prayer, that we keep uppermost in our minds this one thought — we are not here on behalf of the college administrators and faculty; nor are we here on behalf of the public school principals and teachers — we are here for one purpose, and one purpose alone, and that is to do something better for the school children of Alabama.

I will offer to you members of the legislature tonight an educational program which may be viewed by some as revolutionary. It will propose changes in education administration and educational approaches which are indeed dramatically different from those employed for the past half a century. I am convinced that education can do a better job than it has been doing; more importantly, I am convinced that education wants to do a better job than it has been doing. The program I offer you tonight, which is in fact a consensus program which resulted

from our legislative conferences, will, I believe, give education the opportunity to do a better job.

The pride I mentioned earlier in what has been done for education in Alabama was a sincere expression. But let us not confuse pride with satisfaction. I am not satisfied, nor are you, with what we have in public education today.

And we can't be satisfied with what we have in public education today when we find cumbersome administrative procedures — far too many schools — even far too many school systems — shamefully over-crowded classrooms — our institutions of higher learning at a competitive disadvantage in recruitment of faculty — classroom teachers teaching outside their subject field — many teachers teaching on emergency certificates without adequate background — salaries substantially less than the southeastern average — lack of sufficient textbooks for our school children — charges of waste and inefficiency in the administration of some of our school systems — failure to meet the special needs of many children, including those who will not attend college — and our teachers having to spend valuable class time filling out reports and taking up money and having too little time for their students. All of these factors, and many more, result in less than the best . . . far less than the best . . . for the children of Alabama.

I have said repeatedly in the past, and I say again that money alone is not the answer to the problems confronting us in public education.

I say this while readily conceding a vital need for additional revenue.

I am convinced that the people of Alabama are ready and willing to pay for a quality educational system. But I am not willing to ask them to shoulder this burden unless and until we can assure them that they are going to get more for their education tax dollar than they have in the past.

I cannot and will not ask taxpayers for a substantial increase in educational funds without a corresponding increase in educational quality. To put it another way. I ask not only for more money for education, but more education for our money? I ask not only for better paychecks for our teachers, but better teachers for our paychecks.

So now we arrive at the hour when the people of Alabama demand something more from education than we have had in the past. They demand that we do more for our public schools than just give them more money.

The mandate for change is clear. It is echoed in every part of our state. Parents and citizens have voiced their con-

cern for our present dilemma and have charged their leaders in government with charting a new course.

But now is not the time to fix blame for the past.

Now is not the time to wish we had done it differently.

Now is the time to welcome a new era in Alabama education.

Now is the time to stop talking about what we haven't done and do what needs to be done.

Our program for education provides Alabama with a fresh approach — a new direction for our efforts.

We seek now to lay the mistakes of the past behind us.

We seek to alter our educational system in a fundamental way to meet the new demands of our time.

And we seek to bring education closer to the people who support it.

I want the people of Alabama to know of the time and effort which you as members of the Legislature have already contributed to this effort. In our discussions in the Governor's Office, you have already exhibited your commitment to a new approach in education.

The program we offer represents the thinking of literally thousands of our citizens from all walks of life — the very excellent report of the Education Study Commission — the comments of many organized groups throughout the state — and yes, the letters and wires from so many concerned Alabamians which you and I have received.

So this program represents, in a very real way, an Alabama commitment to quality education.

The oft-stated goal of this administration for education is to get our educational dollars to the teacher in the classroom and the child at the desk for it is here that education takes place. To this end, bills will be introduced tonight to accomplish the following specific things:

First, we propose the creation of a permanent Education Study Commission, charged with providing us with a continuing study of the constantly-changing role and needs of education in Alabama.

We propose that the first duty of this Commission shall be to secure a professional, in-depth study of the entire educational system in Alabama from the smallest school to the State Department.

Such a study will deal especially with such areas as business practices, management, and the possibility of more use of buildings, personnel, and resources.

The work of the Commission can give the Legislature guidance on future legislation to upgrade and improve the system as a whole. And at the same time, it will give those in education some concrete suggestions on how to make wisest use of our tax dollars.

Secondly, we propose the creation of a Commission on Higher Education which will be responsible for advising the legislature on matters concerning all aspects of higher learning from the junior college to the graduate level.

This Commission will advise the legislature on budget requests, future programs, and additional institutions. We simply cannot afford wasteful duplication of effort in higher education when our needs are so great.

Thirdly, we propose legislation to provide for the election of the State Board of Education and all local Boards of Education and for the appointment of the State Superintendent and all local Superintendents.

Education is as much a part of government as any other function at the state and local level — and as such, should be answerable to the people who provide its support.

At the same time, we recognize that the top administrators of our school system at all levels must be highly-qualified, full-time professionals. Elected boards of education must be able to select the best possible people as superintendents — persons who will be directly supervised by the boards in their daily administration of our schools.

A system of elected Boards of Education and appointed Superintendents will give us an organization that answers directly to the people and also provides a competent, businesslike approach to the daily functions of our schools.

Fourth, we propose to you tonight two measures which will provide for the future allocation of public funds to education and will correct such inequities as may exist in our present system.

Every child in Alabama, whether he lives on a farm or in a city is entitled to the same amount of state money for his education.

We therefore recommend the altering of the present allocation formula so that each child gets the benefit of his fair share of state funds. I am determined that this be accomplished.

The second proposal addresses itself to the desperate need for more local support for our schools. We propose that each school system in Alabama be required to provide local support in keeping with its ability.

We are aware that state government is now doing more than its share of providing for public education. Seventy-four (74) per cent of the funds now appropriated to public schools in Alabama comes from the state — one of the highest percentages in the nation.

State government cannot continue to carry this burden without local help.

I strongly believe that local people will be more willing to take an active interest in their schools if they have an investment in them. The people of Alabama who take great pride in other institutions such as their homes, their businesses, and their churches are also willing to support their local schools.

State government should not do everything for local people any more than the federal government should do everything for the states. Local people know best what their needs and problems are — and they must have a direct voice in spending their tax dollars.

Fifth, we propose that Alabama's classroom teachers be paid in the future on the basis of their proven ability to do a good job.

As part of the appropriation bill for the next two years, we recommend an initial across-the-board pay raise for all of our school teachers. It is desperately needed to raise salaries to the level of our sister states, and to enable us to attract and keep outstanding young teachers.

Moreover, during the second year of the coming biennium, we propose a system of incentive pay to be administered by the local Boards of Education — and used to provide appropriate reward for those outstanding teachers who demonstrate their excellence.

I feel strongly that those who give of their best, no matter in what field, deserve recognition.

An incentive program will also be a strong inducement to our teachers to stay in Alabama and stay in education — because they know there is room for advancement. It is not fair for the overwhelming majority of skilled, dedicated, motivated teachers to be held to the level of the lowest performance.

Our program also contemplates attention to those areas of education which have been too long neglected — the needs of retarded children, emotionally disturbed children, crippled children, vocational rehabilitation, and vocational education. These and other worthy programs have not been in the mainstream of our educational effort. This shameful affront to thousands of deserving children can no longer be tolerated.

At the same time, we recognize a continuing responsibility to retired teachers, to administrative personnel, to school bus drivers, maintenance employees, cafeteria workers, and all those others so vital to the normal operation of our schools.

We simply cannot neglect any phase of education if we are to have a well-rounded program that serves the needs of all of our people. Our program reaches every area — from the grade school to the graduate school.

As a part of our responsibility, we are recommending revenue measures to you to provide the necessary funding. We are asking you to close some of those gaps in our tax laws which have given favored treatment to special groups. Let me make one thing clear — I am unalterably opposed to and will veto any increase in our already high sales tax which hits hardest those least able to pay.

I am aware of the great concern in our State about the effect of recent court orders, particularly those of the three-judge panel in the Middle District of Alabama involving 99 of our school systems.

These arbitrary and capricious rulings have denied us the use of some fifteen million dollars worth of badly needed classrooms and school buildings in our State.

They have been a source of discouragement to your Governor in trying to build a program for quality education.

But we as a people have faced adversity before, and if we are to realize the great potential of growth and development and progress which exists, then we must not be deterred from our objective by the actions of those who seek social objectives rather than quality education.

I am more firm than ever in my determination that we in Alabama shall indeed have quality education — not a discriminatory education, but a quality education for every child in our State.

Here, tonight, we reach the hour of decision in Alabama. We have come to the time and the place when we must face the future and the promise it holds for our state.

Our educational system must respond to the great demands our people place on it.

We have reached the day when we no longer can afford the luxury of a second-rate effort in education — when we can no longer afford to give our children anything less than the finest possible preparation for the opportunities that lie before them.

Time waits for no man — and no state.

And unless we seize upon the opportunity presented to Alabama and its people here and now, it will surely slip from our fingers.

I have been described in the press as being supremely confident that this session of the Legislature will result in a responsible program for our schools. I am supremely confident — supremely confident that you members of the legislature are prepared to do what needs to be done, what must be done, for the school children of Alabama.

I am convinced that you are convening here in a constructive spirit — not to tear down but to build up — not to argue negatively but to act positively — not to look for problems but to find solutions.

My charge to you is to repeat my opening remarks — We are assembled here tonight in extraordinary session for a most extraordinary reason — to do something more, to do something better — for our children.

They surely deserve no less.

ALABAMA LAWS**and Joint Resolutions****SPECIAL SESSION, 1969**

Act No. 1

H. 165—Neville

AN ACT

Proposing an amendment to the Constitution of Alabama relating to Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law.

Amendment

The legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in Barbour County, and regulate the fees, commissions, percentages, allowances, and compensation to be charged or received by the probate judge and the sheriff of Barbour County, and may place the sheriff on a salary basis and provide for the fees charged or collected by him to be paid into the county treasury from which his salary shall be paid.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the regular 1969 session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional amendment

Passed by the House April 22, 1969

Amended and passed by the Senate May 1, 1969

House concurred in Senate amendment May 1, 1969

Act No. 2

H. 49—Pennington, Snell, Holladay, Meade, Manley, Fite, Turnham, House, Cook, (Coffee), McCorquodale, Merrill, McLain, Hill, McDonald, Drake, Collins (W), Cook (Jefferson), Mathews, Berryman (R), Pruitt, Bank, Owen (Baldwin), Ellis, Money, Hain, Bowers, McElhaney, Agee, Mays, Smith, Higginbotham, Laxson, Lemley, Hobbie, Bassett, Foshee, Jackson (F), Grainger, Tuck, Jones

AN ACT

Proposing an amendment to the Constitution of Alabama relative to the selection, qualifications, powers, duties, and tenure of the state board and superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed:

Proposed Amendment

1. General supervision of the public schools in Alabama shall be vested in a state board of education, which shall be elected in such manner as the legislature may provide.

2. The chief state school officer shall be the state superintendent of education, who shall be appointed by the state board of education and serve at its pleasure. The Authority and duties of the superintendent of education shall be determined by the state board of education according to such regulations as the legislature may prescribe. The superintendent of education shall receive an annual salary which shall be fixed by the Legislature of Alabama and shall be paid from the state treasury in installments as the salaries of other state officers are paid.

3. The legislature shall enact appropriate laws to implement or enforce this article of amendment.

4. The provisions of Articles 5 and 14 of the Constitution of Alabama as amended in conflict with this article are expressly repealed. However, this amendment shall not be so construed as to affect the election or term of the state superintendent of education chosen before it becomes valid as a part of the Constitution.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the regular session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution

of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940 or at such other time as may be fixed by resolution of the legislature of Alabama.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed by the House April 9, 1969.

Senate Amended and passed May 1, 1969.

House concurred in Senate Amendment May 1, 1969.

Act No. 3

H.J.R. 5—Neville

HOUSE JOINT RESOLUTION

WHEREAS, Almighty God in His infinite wisdom did call unto Himself our beloved Governor, Lurleen Burns Wallace on May 7, 1968, the Tuesday before Mothers Day. It was especially fitting that many memorial services were held for her in churches throughout Alabama on Mothers Day. Her love for others, her devotion to her family, her compassion at the suffering of others, her willingness to give of herself even to the point of giving her very life for her State and its people, her endurance of suffering, her gallant courage, and her willingness to stand up for the children of Alabama exemplify motherhood at its highest pinnacle.

NOW THEREFORE, We do mourn the death of our beloved gallant Lurleen Burns Wallace, and we do designate and set aside Mothers Day as a memorial day for Lurleen Burns Wallace, and we do request and entreat men of good will everywhere to observe and hold memorial services and pay respects on Mothers Day to Governor Lurleen Burns Wallace.

RESOLVED FURTHER, That copies of this resolution be sent to the Congressional Delegation from Alabama, to the Governor of each sovereign state of these United States, and to the Chief Executive Officer of each County and Municipal Governing Body in the State of Alabama, and to the family of Governor Lurleen Burns Wallace.

Approved May 2, 1969.

Time: 12:05 P.M.

Act No. 4

H.J.R. 39—Springer

HOUSE JOINT RESOLUTION

WHEREAS the Alabama District Exchange Clubs have been long recognized for their leadership and active participation in numerous worthwhile endeavors; and

WHEREAS they have recently been engaged in an inspirational and patriotic program to emphasize religion, part of which program resulted in the gift to the State of Alabama of 1,700 automobile tags with the words "One Nation Under God" imprinted thereon. These tags have been placed on the front of all state-owned vehicles; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to thank the Alabama District Exchange Clubs for their most generous gift to the state. We commend them for their good works and extend to them all best wishes for a happy and successful state convention to be held in Montgomery on May 1--3, 1969.

Approved May 2, 1969.

Time: 12:05 P.M.

Act No. 5

S.J.R. 37—Turner

SENATE JOINT RESOLUTION

WHEREAS it has been customary for a number of years to create by resolution at each organizational session a joint interim legislative committee on finance and taxation to meet prior to the ensuing regular session of the legislature for the following purposes: to make a study of the financial condition of the state, to hold budget hearings, and to inquire into ways and means of financing the state government and its programs.

WHEREAS the work of such committees prior to these regular sessions has been most helpful to the legislature at the regular sessions and, in fact, have done much to expedite the work of the regular sessions during which they were filed; and

WHEREAS it was particularly appropriate that such a committee should function this year as there was an unforeseen and urgent need for enlarging and expanding many governmental programs and functions and for tapping new sources of revenue to provide not only for these enlarged programs but also for the ever mounting costs of providing the usual governmental functions; and

WHEREAS the members of the Senate Committee on Finance and Taxation and the members of the Ways and Means

Committee of the House, along with the President Pro Tempore of the Senate and the Speaker of the House, cognizant of this urgent need but on their own initiative, for several months have been diligently and ably performing the usual duties of a joint interim committee on finance and taxation; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that this committee is hereby designated as the 1969 Interim Legislative Committee on Finance and Taxation, that such designation be retroactive to the date of the first meeting of such committee.

BE IT FURTHER RESOLVED that the persons who served on this committee shall be entitled to compensation for each day they were actually in attendance in meetings of such committee in such amount as their respective regular legislative per diem and expense allowances, and also that they be entitled to mileage for going from their respective residences to and in returning to such residences from Montgomery in the same amount that such mileage is paid to members of other interim legislative committees for coming to and returning from meetings.

RESOLVED, also, that this committee shall be dissolved upon the First day of the 1969 Regular Session of the Legislature of Alabama.

Approved May 2, 1969.

Time: 12:06 P.M.

Act No. 6

H.J.R. 44—Fite, Adwell, Agee, Bank, Bassett, Beck, Berryman (R), Berryman (W), Blanton, Brannan, Brassell, Brown, Cameron, Cherner, Collier, Collins (C), Collins (W), Cook (Jefferson), Crane, Crawford, Culver, Dill, Dobbs, Doss, Downing, Drake, Edington, Ellis, Fine, Foshee, Gafford, Garrett, Gloor, Graham, Grayson, Hain, Hardin, Harper, Harris, Haygood, Higginbotham, Hill, Hobbie, Holman, House, Jackson (F), Jackson (T), Jones, Kilgore, Laxson, Lemley, Lybrand, Lyons, Malone, Manley, Marr, Mathews, Mays, McCorquodale, McDonald, McElhaney, McLain, Meade, Meeks, Melton, Merrill, Money,

Nettles, Neville, Owen, Owens (W),
 Pearson, Perloff, Pruitt,
 Robertson, Sessions, Shumate,
 Slate, Smith, Snell, Springer,
 Starnes, Steagall, Stembridge,
 Stubbs, Tuck, Turnham,
 Waggoner, Watkins, Weeks,
 Williams, Wood, Wright, Yeilding,
 Young, Burgess

HOUSE JOINT RESOLUTION

WHEREAS we are shocked and grieved to learn of the untimely death of Mrs. Elizabeth Merrill Vardaman, wife of Mr. John Wesley Vardaman of Anniston and sister of our beloved colleague Hugh Merrill; and

WHEREAS Mrs. Vardaman, native of Anniston, was the daughter of Martha Chitwood Merrill and Hugh Davis Merrill, former Speaker of this House and former Lieutenant Governor of Alabama; and

WHEREAS Mrs. Vardaman being a descendant of families long prominent in the history of this State and of the South, was a person who in her own right carried on the highest tradition of her predecessors. She was active in social and civic groups of her area of the State, and was a member of the Parker Memorial Baptist Church; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Vardaman and extend our heartfelt sympathy to Mr. Vardaman, and to their sons Mr. Jack Vardaman and Mr. Merrill Vardaman, and to her brother, Representative Hugh D. Merrill, to whom copies of this resolution shall be sent.

Approved May 2, 1969.

Time: 12:05 P.M.

Act No. 7

H. 8—Merrill, Drake, Pennington, Hill,
 Snell, Manley, Fite, McDonald,
 Holladay, Cook (Coffee), House,
 McCorquodale, Cook (Jefferson),
 Collins (W), Young, Smith, Lemley,
 Agee, Hain, McElhaney, Grayson,
 Melton, Laxson, Culver, Bank

AN ACT

Proposing an amendment to the Constitution relative to state income taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law.

Proposed Amendment.

"The legislature shall have power to levy and provide for the collection of taxes for state purposes on net income of individuals or corporations, from whatever source derived, for the calendar year 1970, or for any fiscal year beginning in the calendar year 1970, and each year thereafter, at a rate not exceeding seven percent. However, all federal income taxes paid or accrued within the taxable year by corporations and individuals shall always be deductible in computing net income taxable under the income tax laws of this state, provided that in the case of a non resident or foreign corporations the amount of federal income tax deductible shall be in proportion to income derived from sources within Alabama, to be determined in accordance with such laws as the legislature may enact."

Section 2. An election upon the proposed amendment is ordered to be held at the time of the general election in November, 1970. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama of 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House April 9, 1969.

Passed the Senate May 1, 1969.

Act No. 8

H. 95—Tuck

AN ACT

Applying only in counties having populations of not less than 21,850 nor more than 21,950, according to the most recent federal decennial census; providing for additional meetings of the governing bodies of such counties and for additional compensation and expense allowances for the members of said body, including the chairman or presiding judge.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 21,850 nor more than 21,950, according to the most recent federal decennial census, the court of county commissioners, board of revenue, or other like governing body of the county shall hold regular meetings twice a month on the first and third Tuesdays of each month.

Section 2. In all counties in which this Act applies, the court of county commissioners, board of revenue, or other like governing body of the county shall provide from the county gasoline tax fund or the general fund of the county an additional expense allowance and additional compensation for each member of the court or board. Such allowances shall be in addition to any and all salary, compensation, and allowances heretofore authorized by law, and the additional amount allowed shall not exceed \$150 a month expense allowance and \$50 a month for salary. The amount of the allowances shall be fixed by resolution of the court or board, as the case may be, and shall be recorded in the minutes of the court.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1969.

Time: 11:30 P.M.

Act No. 9

S.J.R. 53—McCarley, Pelham

SENATE JOINT RESOLUTION

WHEREAS Wednesday, May 7th, will be the first anniversary of the death of our most beloved and highly esteemed former Governor Lurleen B. Wallace; and

WHEREAS Mrs. Wallace was not only close to the hearts of all Alabamians because of her personal charm, compassion and devotion to duty, but she won world recognition as the Sixth Most Admired Woman in the World long before her outstanding abilities as a strong administratrix of government became vident and before her courageous battle with cancer made her a standard bearer in a crusade against that dread disease; and

WHEREAS Mrs. Wallace was a symbol of all of the finest and most desired attributes of humanity; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all state and national flags be flown at half mast and all state offices shall be closed on Wednesday, May 7th, 1969, as a fitting tribute to the memory of former Governor Lurleen B. Wallace.

Approved May 6, 1969.

Time: 10:30 A.M.

Act No. 10

S. 70—Skidmore

AN ACT

To amend Section 37 of Title 52 of the Code of Alabama of 1940, as heretofore amended, so as to clarify and enlarge on the powers granted thereby and to make the securities issued under the said section eligible for the investment of fiduciary funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 37 of Title 52 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended so that the said section shall read in its entirety as follows:

§37. The State Board of Education, acting for the respective educational institutions under its supervision, and each public corporation that conducts one or more state educational institutions under its supervision, acting through its board of trustees or other governing body, are hereby separately authorized to exercise and perform any or all of the following powers: (a) to borrow money from the United States of America or any department or agency thereof, or from any person, firm, corporation or other lending agency, for the purchase, construction, enlargement or alteration of any buildings or other improvements, including dormitories, dining halls, class rooms, laboratories, libraries, stadiums, administration buildings, and any other buildings and appurtenances thereto suitable for use by the institution with respect to which the borrowing is made, the acquisition of furniture and equipment for any thereof, the purchase of land, the beautification of grounds, and the construction of swimming pools, tennis courts, athletic fields and other facilities for physical education, all for use by such institution; (b) to sell and issue interest bearing securities (whether in the form of bonds, notes or other securities) in evidence of the moneys so borrowed; (c) to pledge to the payment of the principal of and interest on such securities the fees from students levied and to be levied by or for such institution and any other moneys and revenues not appropriated by the state to such institution; (d) to establish parietal rules respecting the use or occupancy of any facilities the revenues of which are pledged

to such securities; (e) to agree to maintain the charges for the use or occupancy of, for services rendered by or from, and for admission to, any facilities the revenues of which are so pledged, and the fees from students so pledged, at such rates and in such amounts as will produce moneys sufficient to pay at their respective maturities the principal of and interest on the securities with respect to which such pledges and agreements are made and to create and maintain any required reserves therefor, (f) to agree to insure, maintain, repair and replace any such facilities with respect to which any such pledge is made, and (g) to make such other agreements with respect to the said facilities and such securities as the governing body providing for the issuance thereof shall deem necessary or desirable. The securities issued under the provisions of this section may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds, notes or other securities payable from the same or different sources in amounts not exceeding the principal of those refunded plus the premiums necessary to be paid to effect redemption or purchase of those securities proposed to be refunded; provided, that unless duly called for redemption pursuant to their provisions the holders of any such securities then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding securities for such refunding. Any such securities may be issued from time to time, may be executed in such manner, shall bear interest at such rate or rates not exceeding $6\frac{1}{2}\%$ per annum payable semi-annually, shall be payable as to both principal and interest at such time or times, may be made redeemable before maturity at the option of the issuing body at such redemption price or prices and on such terms, and may be sold in such manner and at such price or prices, all as may be provided in the proceedings under which they are issued. The provision herein respecting the maximum interest rate such securities may bear shall not be construed to apply to the net interest cost at which any such securities may be sold by the issuer. The State Board of Education or other governing body providing for the issuance of such securities shall have power to prescribe all details thereof, subject only to the provisions of this section. Bonds, notes and other securities issued under the provisions of this section shall be eligible for the investment of trust or other fiduciary funds in the exercise of prudent judgment by those making such investment. Neither the securities issued under, nor any pledge or agreement that may be made pursuant to, the provisions of this section shall be or constitute an obligation of any nature whatsoever of the state, and neither the said securities nor any obligation arising from any such pledge or agreement shall be payable out of any moneys appropriated by the state to the institution with respect to which such securities are issued or such pledge or agreement is made.

Section 2. This Act shall become effective upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1969.

Time: 3:45 P.M.

Act No. 11

H. 177—Crawford, Stembridge

AN ACT

RELATING TO CITIES HAVING A POPULATION OF NOT LESS THAN 30,000 NOR MORE THAN 31,500 INHABITANTS.

Be It Enacted by the Legislature of Alabama:

Section 1. BEFORE the governing body of any city having a population of not less than 30,000 nor more than 31,500 inhabitants according to the 1960 or any subsequent federal decennial census, which city now or hereafter owns a waterworks plant and system, a sewer plant and system, an electric plant and system, and a gas plant and system, or any one or more of such plants and systems, shall be authorized to transfer and convey one or more of such plants or systems, or any part of such plants or systems, or any rights incidental thereto to any board or public corporation organized under Title 37, Chapter 7, Sections 360 et seq, Code of Alabama Recompiled 1958, as amended, or under any subsequent act providing for the incorporation of like boards to own and operate any waterworks plant or system, any sewer plant or system, any electric plant or system, or any gas plant or system, whether such board was incorporated with the approval of the city owning such plant or system, or with the approval of some other City in Alabama, the governing body or such city owning any such plant and/or systems shall provide for an election at which the qualified voters of such city shall be allowed to vote on such proposition, which election shall be held according to Act No. 217, Sections 13 through 19, Regular Session in 1961 of the Alabama Legislature, except that no written petition or petitions to the governing body of such city owning such plants or systems shall be required for the holding of any such election herein provided for.

Section 2. Except as herein provided for, and the time of holding the same, all elections herein required shall be held according to the general laws of Alabama. At any such election the proposition to be submitted to the voters shall be: "Shall the governing body of the city of be authorized to transfer and convey the city owned water works plant and system, sewer plant and system, electric plant and system, gas

plant and system, or any one or more thereof, or any part or parts of such plants and systems, or any rights incidental thereto to any board or public corporation organized under Title 37, Chapter 7, Sections 360 et seq, Code of Alabama Recompiled 1958, as amended, or to any board created or established by any subsequent act providing for the incorporation of like boards to own and operate any such plants and/or systems, the members of which board will not be elected by the qualified voters of the city of"

"NO..... YES.....".

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the governor, or its otherwise becoming a law.

Approved May 6, 1969.

Time: 4:20 P.M.

Act No. 12 S. 59—Folsom, Lolley, Oden, Gilmore, Givhan,
Cooper, Giles, McCarley

AN ACT

To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an act providing for appointment and designation of supernumerary circuit judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 288, approved July 7, 1945, an act providing for appointment and designation of supernumerary circuit judges (General Acts 1945, p. 478), as amended, is amended further to read as follows:

"Section 1. Any circuit judge, or former circuit judge of this state:

"(a) who has served continuously for fifteen years as circuit judge and/or district attorney, and/or circuit solicitor and/or as judge of a court of record (provided that not more than three years service as a judge of a court of record shall be included in the total number of years served); and who has become physically unable to carry out his duties on a full time basis, proof of such disability being made by certificate of three reputable physicians; or

"(b) who has served continuously for fifteen years as circuit judge and/or district attorney, and/or circuit solicitor, and/

or as judge of a court of record (provided that not more than three years service as a judge of a court of record shall be included in the total number of years served); and who is not less than sixty-two years of age; or, who has served as such continuously for more than fifteen years and has attained age 62 less one year for each year of service in excess of 15; or

“(c) who has served continuously for ten years as circuit judge and/or district attorney, and/or circuit solicitor and/or as judge of a court of record (provided that not more than three years service as a judge of a court of record shall be included in the total number of years served; and who is not less than seventy years of age; or

“(d) who has served in that office and/or as circuit solicitor, and/or as district attorney and/or as judge of a court of record (provided that not more than three years service as a judge of a court of record shall be included in the total number of years served); for not less than 24 years, or for not less than four terms, the last 10 years of such service having been continuous, may elect to become a supernumerary circuit judge of the State by filing a written declaration to that effect with the Governor at any time not more than 90 days prior to the end of the 24 year period; or

“(e) who has served continuously for not less than fifteen years as circuit judge and/or as judge of a court of record and who is not less than seventy years of age; or

“(f) who has served continuously for not less than twenty years as a circuit judge; may elect to become a supernumerary circuit judge of the State by filing a written declaration to that effect with the Governor. If the Governor shall find that any such declarant qualified under either subdivision(a),(b),(c),(d), (e), or (f), hereinabove set forth, a commission as supernumerary circuit judge of the State of Alabama shall thereupon be issued to such declarant by the Governor. The office of circuit judge made vacant by the election of such declarant shall be filled by appointment of the Governor as now provided by law. This section shall apply only to circuit judges who have been elected to that office.”

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 6, 1969.

Time: 6:15 P.M.

Act No. 13

H. 48—Higginbotham

AN ACT

To authorize and provide for establishment of ambulance service for the sick, infirm and injured in Lee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The corporate authorities of any city in Lee County, and the court of county commissioners or other like governing body of the county, may, jointly or severally, establish within the county, or within any city in the county, an ambulance service for the benefit of the sick, infirm or injured, and may make all needful rules and regulations for control and management of such service. The county or any city therein may enter into an agreement or contract with any individual or company to provide such service, and may appropriate public funds for such purpose.

Section 2. This Act is cumulative.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1969.

Time: 3:30 P.M.

Act No. 14

H. 5—Merrill, Cook (Jefferson), Holladay, Drake, Pennington, Hill, Snell, Manley, Fite, McDonald, House, Cook (Coffee), McCorquodale, Mathews, Young, Smith, Lemley, Agee, Hain, McElhaney, Marr, Grayson, Neville, Hobbie, Melton, Laxson, Culver, Williams, Bank, Starnes, Turnham, Ellis, Gloor, Lybrand.

AN ACT

To establish the Alabama Commission of Higher Education for the general purpose of promoting an educational system that will provide the highest possible quality of collegiate and university education to all persons in the State able and willing to profit from it; to provide through the Commission for continuous study, analyses, evaluation, planning, reporting and recommendations for long-range planning with established priorities on a state-wide basis to assure a sound, vigorous, progressive and co-ordinated system of higher education for this State.

Be It Enacted by the Legislature of Alabama:

Section 1. *Definitions.*

The following terms shall have the meanings respectively prescribed for them, except when the context otherwise requires:

(a) "Public Institutions of Higher Education" shall mean those public educational institutions in Alabama which have been authorized by the Legislature to provide formal education above the secondary school level.

(b) "Commission": The Alabama Commission of Higher Education created by this Act.

Section 2. *Membership.*

The Commission shall consist of nine members appointed by the Governor by and with the advice and consent of the Senate. One person shall be appointed from each United States Congressional District in Alabama, and shall reside or maintain an office or place of business within the Congressional District from which he is appointed, and one person shall be appointed from the State at large.

The nine members shall be citizens of the State and shall be selected, as far as may be practicable, on the basis of their interest in problems of higher education. Appointees shall be selected without regard to political affiliation and appointments shall be of a nature as to aid the work of the Commission and to inspire the highest degree of co-operation and confidence. No member of the Commission shall be on the governing boards, be employed by or directly connected with any institution of higher education in the State; the State Department of Education; or any County or other local Board of Education. No member of the Commission shall serve past June 30th following his 70th birthday. All members of the Commission shall be deemed members at large charged with the responsibility of serving the best interest of the entire system of higher education in the State. No member shall act as the representative of any particular region or of any particular institution of higher education.

The Commission shall serve in an advisory capacity to the Legislature and the Governor of this State in respect to all matters pertaining to state funds for the operation and the allocation of funds for capital improvements of state supported institutions of higher education. The initial membership of the Commission and the term of each initial member is as follows:

Section 3. *Tenure—Vacancies.*

(A) Members of the Commission shall be selected for 9-year terms expiring on August 31 of the respective year. Of the initial appointees, however, the term of one member shall expire at the end of each year from the first through the ninth year. The respective terms of the members initially appointed shall be determined by the Governor at the time of making the appointment of each member.

(B) The members of the Commission shall continue to serve after the expiration of their terms until their successors have been appointed and approved by the Senate. In the event that the number of Congressional Districts shall change, incumbents on the Commission shall complete their terms as members of the Commission. In the event the number of Congressional Districts is increased, the membership of the Commission shall increase so that there will be one member from each Congressional District and one member at large. If the number of Congressional Districts shall decrease, the membership will remain at nine with the number of at-large memberships increasing with each decrease in Congressional Districts. If the Senate is not in session or is in recess when the term of a member expires, the Governor shall make a temporary appointment of a succeeding member who shall serve subject to subsequent Senate approval of the appointment.

(C) Vacancies on the Commission and offices appointed by the Governor shall be filled by appointment by the Governor for the unexpired term. If the appointment is subject to Senate confirmation and the Senate is not in session or is in recess when the appointment is made, the appointee shall serve subject to subsequent Senate approval of the appointment.

(D) Any person who serves for five or more years as a member of the Commission shall not be eligible for reappointment to succeed himself.

Section 4. *Organization and Meetings.*

The first meeting of the Commission shall be called by the Governor who shall preside until a chairman is selected. The Commission shall elect annually from its own members a chairman and such other officers as it may deem desirable and shall adopt rules for its organization in the conduct of its business.

The Commission shall hold regular meetings at such times as are specified in its rules. Special or additional meetings may be held on call of the Chairman, or upon a call signed by at least six members, or upon call of the Governor. The Commission is encouraged to meet as often as seems desirable on the campuses of institutions of higher education in the State. The Commission shall meet at least twice during each calendar

year. A majority of the members of the Commission shall constitute a quorum at all its meetings, but the recommendation of a new unit of instruction, research, or public service or a new public institution of higher education, as provided in Section 6, shall require the concurrence of a majority of all the members of the Commission. An agenda for the meetings in sufficient detail to indicate the terms on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each public institution of higher education at least thirty (30) days prior to the meeting.

Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

The Commission is authorized to appoint a highly qualified person as its Executive Officer who shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him by the Commission, within the amounts made available for the Commission's operation.

The Executive Officer shall, with the consent and approval of the Commission, employ such professional and clerical staff and other assistants, including specialists and consultants, upon a full or part-time basis as are necessary to assist the Commission and the Executive Officer in performing the duties assigned by this Act. The number of employees, their compensation, and the other expenditures of the Commission shall be within the limits and in compliance with the appropriation made therefor by the Legislature and within budgets that shall be approved from time to time by the Commission.

All fulltime professional and administrative staff personnel of the Commission shall be eligible to participate in the state teacher's retirement system.

Section 5. State University and College Information System.

The Commission, after affording a full opportunity to the public institutions of higher education to be heard, shall design and establish a State University and College Information System to provide comprehensive, meaningful, and timely information pertinent to the formulation of decisions and recommendations by the Commission. The information submitted by the public institutions of higher education shall be in comparable terms and the reports developed through the system shall conform to the procedures established by the Commission.

The Commission shall use advisory committees to study methods and proposals for coordinating efforts of all such

institutions in providing a stimulating and enriched educational environment for the citizens of this State and such other advisory committees as the Commission may deem desirable.

Section 6. Coordination of Programs in Instruction, Research, or Public Service.

The Commission of Higher Education is authorized to review periodically all existing programs of instruction, research, and public service funded by state appropriations at the State Universities and colleges and to share with the appropriate governing board, through the president of the institution, its recommendations.

The Commission shall seek through the use of advisory committees to study needless duplication of education, research or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions that would strengthen the total program of higher education in the state.

The governing boards of public institutions of higher education in this State and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit of instruction, research, or public service with state funds before submitting plans for the new unit to the Commission. The term "new unit of instruction, research or public service" includes the establishment of a college, school, division or institute, and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alterations of existing curricula, research, or public service programs which have a direct relationship to existing programs; and the Commission may, under its rule-making power, define the character of such reasonable extensions and alterations.

Although its purpose is not one of control, the Commission may express any negative judgments on new units in reports made directly to the institutions and in its analysis of and comments upon the legislative budget requests.

Section 7. Budget Proposals and Recommendations.

The governing boards of the public institutions of higher education shall submit to the Commission through their appropriate administrative officers, not later than ninety days prior to each legislative session, its budget proposals for the operation and capital needs of the institution under its governance or supervision. The Commission shall receive, evaluate and coordinate budget requests for the public institutions of higher education of this State, shall hold open hearings on the budget requests of the separate institutions and shall present

to each institution and to the Legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis of the Commission shall be accompanied by the original requests and their justifications as submitted by each institution. The recommendations of the Commission may be based upon standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama but also between Alabama institutions and similar functions of institutions located in other states, provided that nothing herein shall be construed to prohibit any institution of higher education in this State from submitting any matter pertaining to the financial operation and needs of said institution to the Legislature or to the Governor at any time.

Section 8. *Powers and Duties of the Commission.*

The Commission shall exercise the following powers and duties in addition to those otherwise specified in this Act:

(a) To cause to be made such surveys and evaluations of higher education as is believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

(b) To recommend to the Legislature of Alabama the enactment of such legislation as it deems necessary or desirable to insure the highest quality of higher education in this State taking into consideration the orderly growth and overall development of the State system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

(c) To advise and counsel the Governor, at his request, regarding any area of, or matter pertaining to, higher education.

(d) To establish definitions of a junior college, a senior college, a university and university system; provided, that nothing herein shall be construed as authorizing the Commission to establish or create any university system, nor to alter any university system presently existing.

(e) To develop and publish criteria which may be used by the Legislature as a basis (i) for changing the classification of any public institution of higher education and (ii) for determining the need for new public junior colleges, public senior colleges, universities or university systems. Any proposed statute which would establish an additional institution of higher

education may be submitted, either prior to introduction or by the standing committee considering same to the Commission for its opinion as to the need of the State therefor, and the Commission shall report its findings to the Governor and the Legislature.

(f) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend such changes in classification or role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of the said institution.

(g) To hear applications from the institutions for changes in classification or role and scope and to recommend to the Legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

(h) To make continuing studies, on its own initiative or upon the request of the Governor or the Legislature, of the financial needs of public higher education and issue such reports to the Governor and the Legislature as may result from its studies.

(i) To submit to the Governor and the Legislature on or before the first day in May of each odd-numbered year a written report covering the activities of the Commission. The report shall include:

(i) statements of the nature, progress or result of any studies undertaken or completed during the two calendar years which ended on December 31st of the last preceding even-numbered year;

(ii) comments upon major developments, trends, new policies, budgets, and financial considerations which, in the judgment of the Commission, will be useful in planning a sound program of higher education; and

(iii) recommendations respecting public higher education in this State as may be appropriate.

(j) To make rules and regulations for its meetings, procedures and execution of the powers and duties delegated to it by this Act.

(k) To encourage the establishment and development of formal consortia for the advancement of higher education compromised of institutions of higher education in the State.

(l) To conduct a program of public information in order to inform citizens of the State of matters of importance to higher education in Alabama.

Section 9. *Evaluating and Revising the Commission.*

Two years after the establishment of the Commission and during the last year of each gubernatorial term, the Commission shall appoint a committee of at least three consultants who are not associated with higher education in this State to evaluate the effectiveness of the work of the Commission and to recommend changes as needed. A report prepared by the committee shall be submitted to the Governor, the Legislature, the presidents and governing boards of the public institutions of higher education of this State and the public.

Section 10. *Governing Boards of Public Institutions of Higher Education—Powers and Duties.*

Governing boards of the public institutions of higher education of this State shall retain all powers and duties heretofore given and conferred upon them by the Constitution or by any law expressed or implied, to govern, control and operate the institutions for which they are responsible. The Commission shall work with and support the respective boards and act in a fact-finding and advisory capacity.

Section 11. *Appropriation.*

To carry out the provisions of this Act, there is hereby appropriated from the Alabama Special Educational Trust Fund the sum of ninety thousand dollars (\$90,000.00) for each of the fiscal years ending September 30, 1970 and September 30, 1971.

Section 12. *Severability.*

The provisions of the Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, be held unconstitutional or invalid, such holdings shall not affect any other section, paragraph, sentence, clause, provision, or other portion of this Act not in or of itself unconstitutional or invalid.

Section 13. *Effective Date.*

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:02 A.M.

(W), Pennington, Hill, Snell, Manley, Fite, McDonald, Mathews, Young, Laxson, Neville, Higginbotham, Dobbs, Grayson, Gloor, Owen, Mays, Williams, Jackson (Tom), Sessions, Culver, Ellis, Lemley, Edington, McElhaney, Berryman (R), Stubbs, Holman, Marr, Smith, Headley, Crane, Wood, Turnham, Perloff, Hain, Pruitt, Blanton, Hobbie, Harper, Owens (W), Jackson (F), Foshee, Steagall, Harris, Crawford, Bank, Melton, Hardin, Weeks, Garrett, Haygood, Slate, Robertson, Doss, Kilgore.

AN ACT

To provide for a continuous study of public education in Alabama; to create an Educational Study Commission as a permanent agency of the state; to prescribe its composition, powers, duties, and to make an appropriation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Alabama Education Study Commission, (herein called the commission) which shall constitute a permanent agency of the state, and shall be composed of eight members, one from each congressional district, to be appointed by the Governor for terms of eight years. Of the members first appointed, two shall serve for two years, two shall serve for four years, two shall serve for six years, and two shall serve for eight years. Vacancies shall be filled by the Governor for the unexpired term. The commission shall meet at times and places determined by it, and the members shall be entitled to receive thirty dollars (\$30.00) per diem and mileage on actual meeting days.

Section 2. The commission shall hold an organizational meeting within thirty days from the effective date of this act, and shall elect a chairman and vice-chairman from among its members. Five members of the commissions shall constitute a quorum. The commission shall act only by a vote of a majority of its existing members.

Section 3. The commission shall have the authority to employ an executive secretary and such other personnel as, in its discretion, is needed for the performance of its duties. The commission shall also have the power to contract for research,

legal, consultant, and other advisory and professional services, and for the making of surveys, audits, and any other studies it deems necessary. All regular employees of the commission, except the executive secretary, shall be subject to the merit system. Persons rendering services pursuant to contract shall not be subject to laws relating to public employees of the state, but shall be compensated out of funds made available to the commission in such amounts as may be fixed by the commission.

Section 4. The commission is authorized and directed to report to the legislature at each regular session with respect to the following:

(a) An analysis and evaluation of current educational programs and policies, and recommendations for changes and improvements therein.

(b) The financial needs for public education in the state, for each two year period, sub-divided and classified with such detail as may be found practicable. The report shall include estimates of revenue from existing sources and recommended increases or decreases, separately divided or classified as to each school district or unit and for each county, and for the state as a whole to the extent practicable, together with a summary of the basis for any changes recommended with reference to sources of revenue. The report shall include estimated requirements separately with respect to primary schools, secondary schools, institutions of higher learning and other educational facilities and institutions, whether existing or proposed.

(c) The commission's recommendations and findings as to the responsibility of the State to provide revenue and appropriations with respect to primary schools, secondary schools, institutions of higher learning, and other educational facilities and institutions, properly classified as to each.

(d) The commission's recommendations concerning the responsibility of local support for primary and secondary schools within the separate counties, the effort currently being made at such local level, and the extent of local effort which should be provided in each such county or school system.

(e) Estimated requirements for capital outlay with respect to each classification of schools for buildings and other facilities.

(f) Recommendations as to the methods of financing of capital and operating requirements as to each type of educational institution and the division of public funds for educational purposes between the various types of educational institutions.

Section 5. The State Superintendent of Education, and all local boards of education and boards of trustees of the institutions of higher learning shall, on request of the commission, furnish to the commission information relative to the funds or sources from which the schools or institutions subject to their supervision, management, control, or operation, are currently receiving or entitled to revenue. The State Superintendent of Education, the State Department of Revenue, and all other departments and administrative divisions of the state, all counties, cities, and other municipal corporations, all colleges, universities, and other public educational institutions, all officers and employees thereof, and all local school boards shall also, upon request therefor, furnish to the commission such studies, surveys, statistics, and other information as they may have available. Any state, county, or municipal agency or institution shall make offices, supplies, and personnel available to the commission without charge to the extent consistent with the adequate performance of the functions of such agency. The commission shall have full power and authority to summon and examine all school and college officials and local and state officials and require the production of such books, papers, documents, records, and memoranda, as may be necessary to the discharge of its responsibilities hereunder. In the performance of its duties the commission is authorized to utilize the services, information, facilities, and personnel of any department or agency in the State Government to the extent consistent with the functions of such agency.

Section 6. There is hereby appropriated for each of the fiscal years ending September 30, 1970 and September 30, 1971 from the Alabama Special Educational Trust Fund the sum of one hundred fifty-five thousand dollars (\$155,000) to carry out the provisions of this act. Expenditures from such appropriation shall be made only upon approval of the Governor.

Section 7. The commission is authorized to accept gifts, devises or bequests and expend the same to carry out the provisions of this Act.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:12 A.M.

Act No. 16

H. 50—Pennington, Snell, Hill, Meade,
Manley, Fite, Turnham, House,
Holladay, Cook (Coffee),
McCorquodale, Merrill,
McDonald, McLain, Drake,
Collins (W), Cook (Jefferson),
Mathews, Berryman (R),
Pruitt, Bank, Owen (Baldwin),
Ellis, Money, Hain, Bowers,
McElhaney, Agee, Mays,
Smith, Higginbotham,
Laxson, Lemley, Hobbie,
Bassett, Foshee, Jackson (F),
Grainger, Jones, Tuck

AN ACT

To amend Code of Alabama 1940, Title 52, Sections 6, 7, 8 and 12, in relation to the compensation, qualifications, and terms of members, of the state board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 52, Section 6 is hereby amended to read as follows:

“Section 6. The state board of education shall be composed of the Governor as an ex-officio member and eight members elected as hereinafter provided. One of such members shall be elected and qualified electors of each congressional district at the general election held in 1970. Of the eight members elected by congressional district in 1970, those members elected from the first, third, fifth, and seventh congressional districts shall serve for two years, those elected from the second, fourth, sixth, and eighth district shall serve for four years. Thereafter, the members of the board shall serve for terms of four years each and the member from each congressional district shall be elected by the qualified electors of the district at the general election immediately preceding the expiration of the term of office of the member representing such district on the board and every four years thereafter. Each member shall hold office from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified.”

Section 2. Section 7, Title 52, Code of Alabama 1940, is amended to read as follows:

“Section 7. The Governor shall be the president of the board of education and the board shall elect a vice-president from its members annually and the state superintendent of education shall be secretary and executive officer of the board.”

Section 3. Section 8, Title 52, Code of Alabama 1940, is amended to read as follows:

"Section 8. The members of the board shall be qualified electors of the State of Alabama and shall be a qualified elector in the district which he represents. No person who is an employee of the board or who is or has been engaged as a professional educator within five years next preceding the date of the election shall be eligible for membership on the board. For the purposes of this Act the term professional educator shall include teacher, supervisor or principal of any public or private school, instructor, professor or president of any public or private university, college or junior college or trade school; any state, county or city superintendent of education; or other person engaged in an administrative capacity in the field of education."

Section 4. Section 12, Title 52, Code of Alabama 1940, is amended to read as follows:

"Section 12. The state board of education shall hold a regular annual meeting on the second Tuesday in July at the office of the department of education in Montgomery, at which meeting one of its members shall be elected vice-president. Such other meetings may be held as the needs of public education may require, on dates to be set by the board in official session, by the president or by the state superintendent of education on written request of a majority of the board members. The rules generally adopted by deliberative bodies for their government shall be observed."

Section 5. All laws or parts of laws in conflict with this Act are hereby repealed. If any part of this Act shall be declared unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective on the adoption of the constitutional amendment proposed in H. B. 49 of the Special Session of 1969.

Approved May 14, 1969.

Time: 9:15 A.M.

Act No. 17

H. 51—Pennington, Snell, Hill, Manley, Fite, Meade, House, Holladay, Cook (Coffee), McCorquodale, Merrill, McDonald, McLain, Drake, Collins (W), Cook (Jefferson), Mathews, Berryman (R), Pruitt, Bank,

Turnham, Owen, Ellis, Bowers,
 Money, Hain, McElhaney, Mays,
 Agee, Smith, Higginbotham, Laxson,
 Lemley, Hobbie, Bassett, Foshee,
 Jackson (F), Grainger, Tuck, Beck,
 Jones

AN ACT

To amend Code of Alabama 1940, Title 52, Section 41, which relates to the term of office, qualifications, and compensation of the state superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 52, Section 41 is amended to read as follows:

“Section 41. As the chief executive officer of the state department of education there shall be a state superintendent of education, who shall be appointed by the state board of education and shall serve at the pleasure of the state board of education. The superintendent of education shall be person of good moral character, with academic and professional education equivalent to graduation from a standard university or college, who is knowledgeable in school administration and has training and experience sufficient to qualify him to perform the duties of his office. He shall receive an annual salary which shall be fixed by the Legislature of Alabama and shall be paid from the state treasury in installments as the salaries of other state officers are paid.”

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed. If any part of this Act shall be declared unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall take effect at the expiration of the term of office of the incumbent superintendent of education; provided, however, this Act shall not take effect unless a Constitutional Amendment relative to the selection, qualification, powers, duties and tenure of the state board and superintendent of education is ratified by the people.

Approved May 14, 1969.

Time: 9:17 A.M.

Act No. 18

H. 6—Merrill, Drake, Pennington, Hill,
 Snell, Fite, Manley, McDonald,
 Holladay, Cook (Coffee), House,
 McCorquodale, Cook (Jefferson),

Watkins, Collins (W), Young,
Smith, Lemley, Agee, Hain,
McElhaney, Grayson, Melton,
Laxson, Culver, Bank

AN ACT

Relating to taxation; amending Section 398 of title 51, Code of Alabama 1940, in relation to the rate of the state corporation income tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 398 of Title 51, Code of Alabama 1940, is hereby amended to read as follows:

“Section 398. A tax is hereby levied and imposed upon every corporation organized under the laws of Alabama, which shall be assessed, collected, and paid annually for the taxable year 1970 and for each taxable year thereafter upon and with respect to their entire net income as hereinafter defined, to be computed at the rate of seven percent. A like tax is hereby levied and imposed upon every foreign corporation doing business in the state, which tax shall be assessed, collected and paid annually at the rate specified in this section, upon and with respect to the entire net income as herein defined, except as hereinafter provided, from property situated within this state, and from business done and transacted within this state. Such taxes shall be first assessed, collected, and paid during the year 1971 upon and with respect to taxable income for the calendar year 1970, or for any fiscal year beginning during the calendar year 1970; and in each and every taxable year thereafter such income tax shall be assessed, collected and paid likewise, based upon the calendar year, or any fiscal year ending during such a calendar year.”

Section 2. This Act shall become effective upon the ratification of an amendment to the Constitution of Alabama, proposed at the current session of the Legislature, authorizing the Legislature to tax the net incomes of corporations at a rate not to exceed seven percent.

Approved May 14, 1969.

Time: 9:03 A.M.

Mathews, Young, Smith, Lemley,
Agee, Hain, McElhaney,
Grayson, Melton, Laxson, Culver,
Bank

AN ACT

Relating to taxation; amending Section 377 of Title 51, Code of Alabama of 1940, in relation to the rate of the state individual income tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 377 of Title 51, Code of Alabama 1940, is hereby amended to read as follows:

"Section 377. TAX ON INDIVIDUALS. The tax herein levied and imposed upon every resident of this state which tax is in addition to all other taxes imposed by this title, and which tax shall be assessed, collected and paid annually upon and with respect to his entire next taxable income as herein defined and shall be computed at rates as follows: (a) On the excess over the amount exempted herein, up to and including one thousand dollars, one and one-half percent. (b) On the excess over the amount exempted herein above, one thousand dollars, up to and including three thousand dollars, three percent. (c) On the excess over the amount exempted herein above three thousand dollars up to and including five thousand dollars, four and one-half percent. (d) On the excess over the amount exempted herein above five thousand dollars, seven percent. A like tax is hereby levied and imposed, and shall be assessed, collected and paid annually at the rates specified in this section, upon and with respect to the entire net income as herein defined, except as hereinafter provided, from all property owned, and from every business, trade, profession, or occupation carried on in this state by natural persons not residents of this state. The tax levied and imposed in this section shall first be assessed, collected and paid in the year 1971 upon and with respect to the taxable income for the calendar year 1970, or for any fiscal year ending during the year 1970, and in each year thereafter such tax shall be assessed likewise based upon the preceding calendar year or any fiscal year beginning during such preceding calendar year. Every natural person domiciled in the state of Alabama, and every other natural person who maintains a permanent place of abode within the state or spends in the aggregate more than seven months of the income year within the state, shall be presumed to be residing within the state for the purpose of determining liability for income taxes."

Section 2. This Act shall become effective upon the ratification of an amendment to the Constitution of Alabama,

proposed at the current session of the Legislature, authorizing the Legislature to tax the net incomes of individuals at a rate not to exceed seven percent.

Approved May 14, 1969.

Time: 9:04 A.M.

Act No. 20

H. 16—McCorquodale, Cook (Jeff.), Merrill, Drake, Pennington, Hill, Snell, Fite, Manley, House, Cook (Coffee), Collins (Wm.), Mathews, Holladay, Young, Jackson (F), Foshee, Owen, Mays, Turnham, McElhaney, Harris, Collins (C), Bassett, Owens (WE), Hain, Steagall, Agee, Hardin, Bank, Tuck, Garrett, Lemley, Headley.

AN ACT

To amend further Section 388 of Title 51, Code of Alabama, 1940, which relates to exemptions from the state income tax on individuals; and to provide that this act shall be given retroactive effect to December 31, 1968.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 388 of Title 51, Code of Alabama is hereby amended to read as follows:

Section 388. The following exemptions from income taxation shall be allowed to every individual resident taxpayer: retirement allowances, pensions, and annuities, or optional allowances, approved by the Board of Control of the Teachers' Retirement System of Alabama, which exempt status is set out in Section 370 of Chapter 14 of Title 52 of the Code of Alabama of 1940; retirement allowances, pensions, and annuities, or optional allowances, approved by the Board of Control of the Employees' Retirement System of Alabama, which exempt status is set out in Section 9 of Act No. 515, of the 1945 Legislature, approved July 9, 1945; income received as annuities under the United States retirement system from the United States Government civil service retirement and disability fund and also net income realized by individuals and partnerships from time to time in the business of banking or of conducting a financial business employing moneyed capital coming into competition with the business of national banks, but only if such individuals and partnerships are subject to an excise tax imposed by this state on or with respect to such income; in the case of a single person or a married person not living with husband

or wife, a personal exemption of fifteen hundred dollars, or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of three thousand dollars, but a husband and wife, living together shall receive only one personal exemption of three thousand dollars against their aggregate income, and in case they make separate returns the personal exemption of three thousand dollars may be taken by either or divided between them; three hundred dollars for each person, other than husband or wife dependent upon the taxpayer and over half of whose support, for the calendar year in which the taxable year for the taxpayer begins, was received from the taxpayer. For the purposes of this section, "dependent" shall mean: A son or daughter of the taxpayer or a descendant of either; a stepson or stepdaughter of the taxpayer; a brother, sister, stepbrother, or stepsister of the taxpayer; the father or mother of the taxpayer or an ancestor of either; a stepfather or stepmother of the taxpayer; a son or daughter of a brother or sister of the taxpayer; a brother or sister of the father or mother of the taxpayer; a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer. As used in this paragraph the terms "brother" and "sister" include a brother or sister by the half-blood. For the purposes of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such a person by blood.

Of the following personal exemptions allowed resident taxpayers, each non-resident individual taxpayer shall be allowed that proportion thereof that the adjusted gross income received by said non-resident individual taxpayer from sources within the State of Alabama bears to his or her adjusted gross income received from sources within and without the State of Alabama: In the case of a single person, or a married person not living with husband or wife, a personal exemption of fifteen hundred dollars; or in the case of a head of a family, or a married person living with husband or wife; a personal exemption of three thousand dollars, a husband and wife living together shall receive but one personal exemption of three thousand dollars against their aggregate income and in the case they make separate returns, the personal exemption of three thousand dollars may be taken by either or divided between them; and three hundred dollars for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer.

In the event a husband and wife file a joint return the husband and wife shall be jointly and severally liable for the income tax shown by said return, or as may be determined by the department of revenue, to be due by them to the State of Alabama.

Section 2. If any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Act which is not of itself invalid or unconstitutional.

Section 3. This Act shall take effect immediately upon its enactment and approval by the governor or upon its otherwise becoming law, and shall be given retroactive effect to December 31, 1968.

Approved May 14, 1969.

Time: 9:06 A.M.

Act No. 21

H. 28—Cook (Coffee), Fite, Manley, Holladay, Merrill, Pennington, Drake, McLain, Hill, Collins (W), Snell, McCorquodale, Mathews Young, Lemley, Agee, Mays, Hain, McElhaney, Jackson (F), Foshee, Laxson, Tuck, Harris, Neville, Bank, Hardin, Grainger, Wright, Steagall, Garrett, Cameron, Culver, Harper, Brassell, Melton

AN ACT

To raise revenue; to levy a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services; to prescribe the rates thereof and exclusions therefrom; to provide for issuance of a utility license; to provide the method of collecting such tax and the method of enforcing payment thereof; to provide for the disposition of the proceeds from the said tax; and to repeal all laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. *Definitions.* Wherever used in this Act, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations.

“Domestic water” shall mean all water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

“Gross receipts” shall mean the value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the

utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. "Gross receipts" shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

"Gross sales" shall mean the value proceeding or accruing from the furnishing of utility services (and including the proceeds from the sale of any utility services handled on consignment by the taxpayer), without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. "Gross sales" shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

"Person" shall mean an individual, firm, copartnership, association, trust, receiver, corporation or other entity, and shall specifically include the State of Alabama, every county in the State of Alabama, every municipal corporation in the State of Alabama, the United States of America and its agencies, and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America, and operating in the State of Alabama, as well as every private or non-public entity.

"Retail sale" shall mean all sales except those defined herein as wholesale sales.

"Taxpayer" shall mean any person liable for taxes under the provisions of this Act.

"Utility" shall mean every person regularly engaged in furnishing utility services to the public in the State of Alabama.

"Utility services" shall mean electricity; domestic water; natural gas, telegraph services; and telephone services to subscribers; provided that "utility services" shall not mean telephone services or telegraph services stored, used or consumed by a utility regularly engaged in furnishing such services or either of them to the public, or telephone services or telegraph services which are not subject to regulation by the Alabama Public Service Commission or any successor thereto; provided, further,

that "utility services" shall not mean utility services stored, used or consumed by a utility other than by a municipality or other municipal entity organized by a municipality.

"Wholesale sale" shall mean a sale or exchange of utility services by a utility to or with anyone, including any person or any utility, engaged in the resale of such utility services in the regular course of business, but does not include a sale of utility services by a utility to a consumer or user, not for resale.

Section 2. *Use of Phrases.* The following shall be applicable to the provisions of this Act:

"Herein," "hereby," "hereunder," "hereof," and other such words of reference shall refer to this Act, as a whole and not solely to the particular section or portion of this Act in which any such word may be used.

The definitions set forth in Section 1 hereof shall be deemed applicable whether the words defined are used in the singular or the plural.

Section 3. *Legislative Intent.* It is the intention of the Legislature of Alabama that the tax herein levied shall apply to all utilities (as defined herein) in the State of Alabama, notwithstanding the fact that legislation heretofore enacted may have contained exemptions of certain of them from all taxation in the State of Alabama, including excise, privilege or license taxes. It is the intention of the Legislature of Alabama by this Act to repeal all prior tax exemptions to the extent said exemptions are inconsistent with this Act. With respect to every tax exemption which may be enacted into law subsequent to the enactment of this Act, there shall be a presumption that such exemption does not apply to the tax herein levied unless the statute containing such exemption shall make a specific reference to this Act and shall clearly show a legislative intention to make such exemption applicable to the tax herein levied.

Section 4. *Levy of Tax.* There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against every utility in the State of Alabama on account of the furnishing of utility services by said utility, and the amount of said tax shall be determined by the application of rates against gross sales or gross receipts, as the case may be, from the furnishing of utility services in the State of Alabama and shall be computed monthly with respect to each person to whom utility services are furnished, in accordance with the following table:

If monthly gross sales
or gross receipts res-
pecting a person are:

The Tax is:

Not over \$8500	4% of such gross sales or gross receipts
Over \$8500 but not over \$20,000	\$340 plus 3% of excess over \$8500
Over \$20,000 but not over \$40,000	\$685 plus 2% of excess over \$20,000
Over \$40,000	\$1085 plus 1% of excess over \$40,000

Section 5. *Exclusions.* There are hereby specifically excluded from the gross receipts or gross sales of a utility, upon which the tax herein levied is calculated, all portions thereof derived from the following:

(a) the furnishing of utility services which the State of Alabama is prohibited from taxing under the Constitution or laws of the United States of America or the Constitution of the State of Alabama;

(b) the furnishing of utility services which are otherwise taxed under the provisions of Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended;

(c) wholesale sales;

(d) the furnishing of electricity, natural gas, or domestic water for use or consumption by anyone, including any person or utility, engaged in the sale or resale of any such utility services in the regular course of business, in or for the direct production, generation, processing, storage, delivery or transmission of electricity, natural gas or domestic water, including but not limited to loss or waste of electricity, natural gas or domestic water thereby;

(e) the furnishing of electricity to a manufacturer or compounder for use in an electrolytic or electrothermal manufacturing or compounding process;

(f) the furnishing of natural gas to a manufacturer or compounder for consumption or use by such manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy; and

(g) the furnishing of natural gas to be used by a manufacturer or compounder to chemically convert raw materials

prior to the use of such converted raw materials in an electrolytic or electrothermal manufacturing or compounding process.

Section 6. *Utility License Required.* If any person after the effective date of this Act shall engage in or continue in any business for which a privilege tax is imposed by Section 4 hereof, as a condition precedent to engaging or continuing in such business, said person shall apply for and obtain from the Department of Revenue of the State of Alabama a license to engage in and to conduct the business of furnishing utility services for the then current tax year upon the condition that he shall pay the taxes accruing to the State of Alabama under the provisions of this Act; provided, no license shall be issued under the provisions of this Act to any person that shall not have complied with the provisions of this Act, and no provision of this Act shall be construed as relieving any person from the payment of any license or privilege tax now or hereafter imposed by law.

Section 7. *Administration of This Act and Collection of Tax.* The provisions of this Act shall be administered, and the tax herein levied shall be collected in accordance with the procedures set forth in Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended, for administering and collecting the tax therein levied, and for such purposes there are hereby incorporated into this Act by reference the provisions of Sections 5 to 21, inclusive, and Sections 23, 25, 26, 27, 28, 29 and 30 of said Act No. 100, as amended, together with the definitions applicable to said sections contained in Section 1 of said Act No. 100, as amended, provided, in the event of the repeal of said Act No. 100, as amended, such repeal shall not operate to eliminate the tax collection procedures contained therein to the extent they are incorporated in this Act by reference, unless the legislation providing for such repeal shall clearly indicate such a result.

Section 7A. *Responsibilities of Utilities.* Every person engaged in or continuing within the State of Alabama in the furnishing of utility services subject to the tax herein levied shall add to the price or charge for such utility services to every purchaser thereof an amount equal to the prescribed percentage of the gross price or gross charge therefor and shall collect said amount from every purchaser of such utility services. It shall be unlawful for any person furnishing utility services to fail or refuse to collect from the purchaser the amount required by this Section to be collected; and it shall likewise be unlawful to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption or refund of said amount or any portion thereof. The provisions of this Section of this Act that the tax herein levied shall be collected from the purchaser shall in no way relieve any utility

of the tax herein levied; nor shall the inability, impracticability, refusal, or failure so to collect from such purchaser the amounts provided herein relieve such utility of the tax herein levied. All taxes paid in pursuance of this Act shall be conclusively presumed to be a direct tax on the purchaser precollected for the purpose of convenience and facility only.

Section 8. *Disposition of Proceeds from Tax.* All taxes or other funds received or collected by the Department of Revenue of the State of Alabama under the provisions of this Act remaining after the payment of the expenses of administration and enforcement of this Act shall be without delay deposited into the state treasury to the credit of Alabama Special Educational Trust Fund.

Section 9. *Repeal of Inconsistent Laws.* All laws in conflict with the provisions of this Act are, to the extent of such conflict, hereby repealed.

Section 10. *Severability.* In the event any section, sentence, clause, phrase, part or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, phrases, parts or provisions of this Act, which shall continue effective.

Section 11. *Effective Date.* This Act shall become effective on September 1, 1969, following its enactment and approval by the Governor or its otherwise becoming law.

Approved May 14, 1969.

Time: 9:10 A.M.

Act No. 22

H. 29—Drake, Turnham, Merrill, Pennington, Shumate, Hill, Snell, Meade, Manley, Fite, McDonald, Holladay, House, Cook (Coffee), McCorquodale, Cook (Jefferson), Collins (W), Mathews, Young, Berryman (R), Smith, Mays, Grayson, Perloff, Owen (Baldwin), Dobbs, Neville, Ellis, Williams, Hobbie, Downing, Marr, Meeks, Hain, Agee, Pruitt, Berryman (W), McElhaney, Beck, Doss, Lemley, Waggoner, Bassett, Headley, Wood, Holman, Higginbotham, Collier, Laxson, Owens (W), Harris, Melton, Foshee, Jackson (F), Culver,

Graham, Tuck, Bank, Owens (W. E.),
 Stubbs, Grainger, Fine, Brown,
 Robertson, Jones, Slate, Starnes,
 Garrett, Collins (C), Harper, Steagall,
 Stembridge, Crawford, Cameron.
 Brannan, Hardin, McLain

AN ACT

To amend further Act No. 48, H. B. 34, approved November 1, 1950, an act providing old-age and survivors insurance coverage for certain officers and employees of the State and local governments of Alabama (Acts 1950-1951, v. 1, p. 102).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 48, H. B. 34, approved November 1, 1950, an act providing old-age and survivors insurance coverage for certain officers and employees of the State and local governments (Acts 1950-1951, v. 1, p. 102), as amended, is amended further to read as follows:

"Section 6. 1. *Contribution Fund.* (a) There is hereby established a special fund to be known as the contribution fund. Such fund shall consist of and there shall be deposited in such fund:

"(1) All contributions, interest, and penalties collected under sections 4 and 5; (2) all moneys appropriated thereto under this chapter; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund, and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this chapter, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof consistent with the provisions of this chapter.

"(b) The contribution fund shall be established and held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such fund shall be made for and solely for (A) payment of amounts required to be paid to the federal agency pursuant to an agreement entered into under section 3; (B) payment of refunds provided for in section 4 (c) of this title; and (C) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

“(c) From the contribution fund the custodian of the fund shall pay to the federal agency such amounts and at such time or times as may be directed by the state agency in accordance with any agreement entered into under section 3 and applicable federal law.

“(d) The treasurer of the state shall be ex-officio treasurer and custodian of the contribution fund and shall administer such fund in accordance with the provisions of this chapter and the directions of the state and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the state agency may prescribe pursuant thereto.

“(e) (1) There is appropriated annually to the contribution fund in addition to the contributions collected and paid into the contribution fund under sections 4 and 5, to be available for the purposes of section 6 (b) and (c) until expended, such additional sums as are found to be necessary in order to make the payments to the federal agency which the state is obligated to make pursuant to an agreement entered into under section 3; provided that the sums necessary to match social security contributions by employees covered under the teachers' retirement system are hereby appropriated annually from the Alabama special educational trust fund; provided further, that the sums necessary to match social security contributions by state employees other than those covered by the teachers retirement system are hereby appropriated annually from the fund from which the salaries of such employees of each employer are paid. In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the sums necessary to match social security contributions by employees of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such department.

“(f) Where social security contributions are made from salaries paid from federal funds the employer shall pay from such federal funds, to the State Agency for Social Security, the amount calculated as a percentage of the salaries of those teachers to be contributed by the state as employer in accordance with sections 4 and 5. Such amounts shall be paid by separate check payable to the State Agency for Social Security representing the employer tax at the same time as employee social security contributions are paid to the state agency. Provided that the provisions of subsection (1) (f) shall not apply to funds received under the provisions of the Hatch Act of 1887, as amended in 1955, and the McIntyre-Stennis Act (Cooperative

Forestry Research Act of 1962) of the Congress of the United States, for the support of agriculturally related research.

"(2) The State Agency shall submit to each regular session of the State Legislature, at least 90 days in advance of the beginning of such session, an estimate of the amounts appropriated to the contribution fund by paragraph (1) of this subsection for the next appropriation period."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:11 A.M.

Act No. 23

H. 84—Collins (W), Hobbie, Holladay, Turnham, Drake, Merrill, Pennington, Hill, Snell, Manley, Fite, McDonald, House, Cook (Coffee), McCorquodale, Cook (Jeff.), Culver, Downing, Grayson, Lemley, Agee, Blanton, Marr, Mays, Perloff, Jackson (T), Higginbotham, Owen (Baldwin), Wood, Smith, Laxson, McElhaney, Holman, Collier, Williams, Money, Bassett, Melton, Foshee, Jackson (F), Owens (W), Bank

AN ACT

To provide a cost of living increase to certain retired members of the Teachers' Retirement System of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. On or after October 1, 1969 there is hereby provided to any teacher who was receiving a retirement allowance from the Teacher's Retirement System of Alabama, and who was retired prior to October 1, 1969, an increase in his (her) maximum retirement allowance in the amount of ten per cent (10%), excluding those whose monthly retirement allowance is as much as \$400.000 and that such increase shall be

limited so as to provide not to exceed a maximum retirement allowance of \$400.00 per month.

Section 2. The Board of Control of the Teachers' Retirement System shall administer all the benefits provided by this Act under such rules and regulations as the said Board of Control may adopt, not inconsistent herewith.

Section 3. The Board of Control of the Teachers' Retirement System shall determine annually the amount required to pay the cost of the benefits provided in this Act and shall certify such amount to the State Comptroller as payable to the Board of Control of the Teachers' Retirement System for the purpose herein defined.

Section 4. There is hereby appropriated to the Board of Control of the Teachers' Retirement System of Alabama out of any funds in the Alabama Special Educational Trust Fund the sum of \$1,453,500.00 for the fiscal year ending September 30, 1970, and the sum of \$1,153,500.00 for the fiscal year ending September 30, 1971, for the purpose of carrying out the provisions of this Act. Should it appear to the Board of Control of the Teachers' Retirement System of Alabama that during any fiscal year the total amount of the benefits provided by this Act exceeds the amount appropriated for this purpose, the State Comptroller is hereby directed and empowered to provide from the Alabama Special Educational Trust Fund an amount that will be sufficient to carry out the provisions of this Act.

Section 5. In the event of reenactment of the provisions of Act #511 of the 1967 Legislature, the increase provided in Section 1 of this Act shall be calculated after the provisions of said reenacted Act #511 have been effected.

Section 6. This Act shall become effective October 1, 1969.

Approved May 14, 1969.

Time: 8:59 A.M.

Act No. 24 H. 15—McCorquodale, Cook (Jefferson), Merrill, Collins (W), Drake, Pennington, Hill, Snell, Fite, Manley, McDonald, House, Holladay, Cook (Coffee), Mathews, Young, Owen (Baldwin), Jackson (F), Agee, Foshee, Mays, McElhaney, Harris, Collins (C), Bassett, Owens (W), Hain, Steagall, Hardin, Bank, Tuck, Lemley, Garrett, Turnham, Headley

AN ACT

To amend Section 402 of Title 51, Code of Alabama of 1940, so as to provide for the deduction of certain dividends received by domestic and foreign corporations during tax years beginning after December 31, 1968, for the deduction of federal income taxes in determining the net income of domestic and foreign corporations, and for the allocation of Alabama income taxes in determining the net income of foreign corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 402 of Title 51, Code of Alabama is hereby amended to read as follows:

Section 402. In computing the net income of domestic corporations doing business in this state subject to the tax imposed by Section 398 of this title, there shall be allowed as deductions items described in the following numbered subsections of this section. In computing the net income of foreign corporations doing business in this state subject to the tax imposed by Section 398 of this title, there shall be allowed as deductions the items described in the following numbered subsections of this section, but only if, and to the extent that, such items are referable to or arise in connection with income of such corporations arising from sources within the State of Alabama; the proper apportionment and allocation of deductions of such foreign corporations with respect to the income arising from sources within and without the State of Alabama shall be determined under the rules and regulations prescribed by the department of revenue, provided, that in the case of foreign corporations doing business partly within and partly without Alabama where income is apportioned and allocated to Alabama the expense incurred by such corporation in connection with earning such income shall be apportioned to Alabama in such manner as shall fairly reflect the net income of the corporation attributable to its operations in Alabama. Subject to the limitations contained in the preceding sentence, there shall be allowed as deductions in computing the net income of corporations:

(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business including a reasonable allowance for salaries and other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity.

(2) All interest paid or accrued within the taxable year on its indebtedness except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917),

the interest upon which is wholly exempt from taxation under this title as income to the taxpayer; in the case of a foreign corporation, the proportion of such interest which shall be deductible shall be a portion of such interest determined by the ratio the amount of its gross income from sources within the State of Alabama bears to the amount of its gross income from all sources both within and without the State of Alabama.

(3) Taxes paid or accrued within the taxable year (a) imposed by the authority of the United States, or (b) by authority of any of its possessions; (c) by the authority of any state or territory, or any county, school district, municipality, or other taxing subdivision of any state or territory not including income tax and not including those assessed for local benefits of a kind tending to increase the value of the property assessed but excluding the income taxes levied and imposed under this title. In the case of a foreign corporation taxes paid or accrued within the taxable year imposed by the authority of the State of Alabama or any county, school district, municipality or any other taxing subdivision of the State of Alabama excluding the income taxes levied and imposed under this title and the amount of taxes other than income taxes imposed by other authorities mentioned in this subsection (3) which shall be deductible by such foreign corporation shall be determined by the ratio that the gross income of the foreign corporation from sources within the State of Alabama bears to its gross income from all sources both within and without the State of Alabama; the amount of federal income tax which shall be deductible by such foreign corporation shall be determined by the ratio that the net income (as computed without any deduction for any applicable federal, state or local taxes on net income or any federal or state, or local taxes measured by net income) of the corporation on business done within Alabama bears to its net income (as computed without any deduction for any applicable federal, state or local taxes on net income or any federal or state, or local taxes measured by net income) from business done both within and without the State of Alabama.

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise.

(5) Losses from debts ascertained to be worthless and charged off during the taxable year of such ascertainment, if sustained in the conduct of the regular trade or business of the taxpayer during the period covered by an Alabama tax law.

(6) A reasonable allowance for the exhaustion, wear and tear of property used in the trade, or business, including a reasonable allowance for obsolescence.

(7) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and

for depreciation of improvements, according to the peculiar conditions in each case, based upon the cost, including cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the department of revenue; in the case of leases the deductions allowed by this subsection shall be equitably apportioned between the lessor and the lessee.

(8) In the case of marine insurance companies, there shall be allowed amounts repaid to policyholders on account of premiums previously paid by them, and interest paid on such amounts between the ascertainment and the payment thereof.

(9) In the case of mutual insurance companies (other than mutual life or mutual marine insurance companies) requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed the amount of premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses and reinsurance reserves.

(10) Contributions or gifts made within the taxable year to recognized religious, charitable and scientific or educational institutions, or institutions for the prevention of cruelty to children or animals which are not operated for profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual, or contributions to the special fund for vocational rehabilitation authorized by section 7 of the United States Vocational Rehabilitation Act, the amount of such deduction not to be, however, in excess of five per centum of the taxpayer's net income as computed without the benefit of this subsection; such contributions or gifts shall be allowable as deductions only where made to institutions recognized as institutions for the above purposes under rules and regulations prescribed by the department of revenue.

(11) If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall be deductible, but only to the extent permitted by the following lettered paragraphs of this subsection:

(A) In the taxable year when paid, if the contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under section 392 of this title in an amount which shall be determined as follows:

(i) an amount not in excess of 5 per centum of the compensation otherwise paid or accrued during the taxable year to

all the employees under the trust, but such amount may be reduced for future years if found by the department of revenue upon periodical examinations at not less than five-year intervals to be more than the amount reasonable necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus

(ii) Any excess over the amount allowable under subparagraph (i) of this paragraph (A) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the department of revenue, but if such remaining unfunded cost with respect to any three individuals is more than 50 per centum of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least 5 taxable years, or

(iii) in lieu of the amounts allowable under subparagraphs (i) and (ii) of this paragraph (A): an amount equal to the normal cost of the plan, as determined under regulations prescribed by the department of revenue, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per centum of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the department of revenue, except that in no case shall a deduction be allowed for an amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

(iv) Any amount paid in a taxable year in excess of the amount deductible in such year under the limitations set forth in subparagraphs (i), (ii) and (iii) of this paragraph (A) shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the limitations set forth in subparagraphs (i), (ii) and (iii) of this paragraph (A).

(B) In the taxable year when paid, in an amount determined in accordance with paragraph (A) of this subsection, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of subsection (5) of Section 392 of this title, and if refunds of premiums, if any, are applied within the

current taxable year or next succeeding taxable year towards the purchase of such retirement annuities.

(C) In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt and subsection (5) of section 392 of this title, in an amount not in excess of 15 per centum of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in the taxable year beginning after July 7, 1945, there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, by the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 per centum of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in a taxable year beginning after July 7, 1945, in excess of the amount allowable with respect to such year under the preceding provisions of this paragraph (c) shall be deductible in the succeeding taxable years, in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this paragraph shall not exceed 15 per centum of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust," as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in paragraph (A) of this subsection. If the contributions are made to two or more stock bonus or profit-sharing trust, such trusts shall be considered a single trust for the purposes of applying the limitations in this subparagraph.

(D) In the taxable year when paid, if the plan is not one included in paragraphs (A), (B), or (C) of this subsection, if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contributions or compensation is paid.

(E) For the purposes of paragraphs (A), (B), and (C) of this subsection a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of such taxable year

and is made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof).

(F) If amounts are deductible under paragraphs (A) and (C), or (B) and (C), or (A), (B), and (C) of this section, in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed 25 per centum of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trusts or under such annuity plans in a taxable year beginning after July 7, 1945, in excess of the amount allowable with respect to such year under the preceding provisions of this paragraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this paragraph shall not exceed 30 per centum of the compensation otherwise paid or accrued during such taxable years to the beneficiaries under the trusts or plans. This paragraph shall not have the effect of reducing the amount otherwise deductible under paragraphs (A), (B), and (C), if no employee is a beneficiary under more than one trust, or a trust and an annuity plan.

If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this subsection (11) shall apply as if there were such a plan.

(12) The amounts received during taxable years beginning on or before December 31, 1968, as dividends from a corporation, or any subsidiary corporation of which the parent organization owns as much as fifty per cent of the capital stock, which is taxable under this title upon the net income of the parent corporation or the subsidiary; the amounts received after December 31, 1968, as dividends from a corporation or any subsidiary corporation which is taxable under this title (including liquidating dividends), whether received in cash or property or both, if at the time of the receipt of such dividends the corporation receiving such dividends is the owner of stock, in the corporation distributing such dividends: (a) possessing at least 50 per cent of the total combined voting power of all classes of stock entitled to vote and (b) constituting at least 50 per cent of the total number of shares of all classes of stock other than classes of stock which is limited and preferred as to dividends.

Section 2. If any provision or section of this Act be held unconstitutional, it is declared to be legislative intent that the Act shall be construed to be severable in its provision and the remaining portions of the Act shall continue in force and effect.

Section 3. This Act shall take effect immediately upon its enactment and approval by the governor or upon its otherwise becoming law and being given retroactive effect to December 31, 1968.

Approved May 14, 1969.

Time: 9:05

Act No. 25

H. 43—Cook (Jefferson), McDonald, Pennington, Hill, Snell, Manley, Fite, House, Holladay, Cook (Coffee), McCorquodale, Young, Smith, Mays, Perloff, McElhaney, Owens (W), Agee, Melton, Headley, Harris

AN ACT

To make an appropriation for the purpose of purchasing Free Textbooks, for the fiscal year ending September 30, 1969

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to all other appropriations heretofore made, there is hereby appropriated for the fiscal year ending September 30, 1969, from the Alabama Special Educational Trust Fund to the State Board of Education, the sum of one million dollars (\$1,000,000.00) for the purchase of Free Textbooks.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:13 A.M.

Act No. 26

H. 83—Collins (W), Holladay, Turnham, Drake, Merrill, Pennington, Hill, Snell, Fite, Manley, McDonald, House, Mathews, McCorquodale,

Cook (Jeff.), Culver, Downing,
Grayson, Lemley, Agee, Blanton,
Mays, Marr, Perloff, Jackson
(T), Higginbotham, Laxson,
Collier, Money, Melton, Jackson
(F), Foshee, Wood, Hobbie,
Owens (W), McElhaney,
Holman, Bank

AN ACT

To amend Section 366 and Section 369 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 366 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended as follows:

S. 366. BENEFITS. (1) (a) Any member who withdraws from service upon or after attainment of age sixty may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof he desires to be retired, provided that any such member who became a member on or after October 1, 1963 shall have completed ten or more years of creditable service. (b) Any member who has attained age sixty and has previously withdrawn from service may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that the said member shall have completed at the time of his withdrawal from service, the requirements established by the Board of Control for eligibility for deferred benefits pursuant to Section 364 of this title. (c) Any teacher in service who has attained age seventy shall be retired, or shall withdraw from service, forthwith, provided that with the approval of his employer, he may remain in service until the end of the then current school year which shall be no later than the June 30 following the date on which he attains age seventy. (2) Upon retirement from service a member shall receive a service retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and (b) a pension which shall be equal to the annuity allowable at age of retirement, but not to exceed an annuity allowable at age sixty-five computed on the basis of contributions made prior to the attainment of age sixty-five; and (c) if he has a prior service certificate in full force and effect an additional pension which shall be equal to

the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of the members that was received during such prior service, the Board of Control may use for the purposes of this chapter the compensation rates which, if they had progressed with the rates of salary increase shown in the tables as prescribed in Section 367, subsection (13), of this title, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received; and (d) the annual service retirement pension payable to a member retiring on or after October 1, 1969 shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (i) One and one-fourth per centum of the member's average final compensation multiplied by the number of years of his creditable service. (ii) \$72.00 multiplied by the number of years of his creditable service not in excess of twenty-five years. (2 $\frac{1}{4}$) Upon the application of a member in service or of his employer, any member who has had ten or more years of creditable service may be retired by the Board of Control, on a disability retirement allowance not less than thirty nor more than ninety days next following the date of filing such an application; provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (2 $\frac{1}{2}$) Upon retirement for disability a member shall receive a service retirement allowance if he has attained age 60, otherwise he shall receive a disability retirement allowance which shall consist of (a) an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement and (b) a pension which shall be equal to the pension that would have been payable under paragraphs (b) and (c) of Subsection (2) of this Section upon service retirement at age 65 had the member continued in service to said age without change in compensation, reduced by one fourth of one percentum for each month by which his date of retirement precedes his sixty-fifth birthday to a maximum reduction of twenty-five per centum. The annual disability retirement pension shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (i) one and one fourth percentum of the member's average final compensation multiplied by the number of years of creditable service reduced by one fourth of one per centum for each month by which his

date of retirement precedes his sixty-fifth birthday to a maximum reduction of twenty-five per centum or (ii) \$54.00 multiplied by the number of years of his creditable service not in excess of 25 years. (2 3/4) (a) Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three year period thereafter, the Board of Control may, and upon his application shall require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of such beneficiary, or other place mutually agreed upon, by a physician of or designated by the Medical Board. Should any disability beneficiary who has not yet attained age sixty refuse to submit to such medical examination, his pension may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the Board of Control. (b) Should the Medical Board report and certify to the Board of Control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the Board of Control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation. (3) (a) Should a member cease to be a teacher except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than sixteen years of membership service, six-tenths of such interest accumulations if he shall have not less than sixteen, but less than twenty-one years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service. (b) In case of the death of a member eligible for service retirement pursuant to Subsection (1) of this section, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member

had retired immediately prior to his death and had elected Option 3, as set forth in Subsection (4) of this section; or (c) In case of the death of a member not eligible for service retirement, after completion of twenty-five years of creditable service, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired for disability immediately prior to his death and had elected Option 3, as set forth in Subsection (4) of this section, or if the surviving spouse desires he may choose to receive the accumulated contributions of the member in lieu of the allowance provided under Option 3 plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00; or (d) Upon the death of a member on account of whom no survivor allowance is payable under (b) or (c) above the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Control. (4) With the provision that no election of an option shall be effective until the end of the month following the effective date of retirement, and that should a beneficiary die before his first benefit payment is due at the end of the month following the effective date of retirement, he shall be considered as an active member at the time of death, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life the actuarial equivalent at that time of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the Board of Control. (5) (a) Should any beneficiary be re-

stored to active service from service retirement, or from disability retirement on or after attainment of age fifty, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member, nor shall he make contributions, except that should such beneficiary, who has been restored to active service, continue in service for a period of five or more years from the date of his re-entry into active service, he may request the Board of Control to allow him to again become a member of the Retirement System. The Board of Control may grant the request for restoration to membership provided such beneficiary whose retirement allowance has been suspended repays to the system all monies received by him as benefits during any periods subsequent to the date of his re-entry into active service and provided further that he makes a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis, together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made. (b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty, he shall again become a member of the Retirement System and shall make contributions. (6) (a) All retirement allowance payments due on or after October 1, 1969 to members who retired prior to said date shall be redetermined as if the provisions of subsection (2) and (2½) of this section which became effective on said date were in effect at the time the member retired, provided that the annual retirement allowance of any member who retired on or before January 1, 1956 shall be not less than \$79.20 multiplied by the number of years of his creditable service not in excess of thirty years, in the case of service retirement, or \$59.40 multiplied by the number of years of creditable service not in excess of thirty years, in the case of disability retirements, except that in the case of those members who have retired for disability the redetermined disability retirement allowance shall be retroactive to date of retirement or October 1, 1966, whichever comes first. Any increase provided in the retirement allowance payment under this subsection (6) for a member who retired under the provisions of any optional benefit elected pursuant to subsection (4) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subsection. (b) Any person who served at least thirty years as a teacher in the public schools of Alabama and was never a member of the system and who, prior to October 1, 1963, was in receipt of a benefit for old age as-

sistance pursuant to subsection (1) and (2) of Section 1 of Act 116, approved August 24, 1959 shall be entitled to receive an annual retirement allowance of \$2,376.00 from the System, effective as of October 1, 1969. (c) Prior to October 31, 1969 any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with paragraph (a) or (b) of this subsection. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representative or to such person as he shall have nominated by written designation duly acknowledged and filed with the Board of Control.

Section 2. That Section 369 of Title 52 of the Code of Alabama of 1940, be and is hereby amended to read as follows:

S. 369. METHOD OF FINANCING. Effective October 1, 1955 all the assets of the retirement system shall be credited according to the purpose for which they are held among five funds, namely: the annuity savings fund, the annuity reserve fund, the pension accumulation fund, the pension reserve fund, and the expense fund. The operation of the former pension fund shall be discontinued as of such date and an amount equal to the pension reserve on all pensions, and benefits in lieu thereof in effect as of that date and payable theretofore from the pension fund shall be transferred to the pension reserve fund and an amount equal to the balance of the reserves held in said former fund shall be transferred to the pension accumulation fund. (1) (a) The annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Contributions to and payments from the annuity savings fund shall be made as follows: (b) Each employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period four per centum of his earnable compensation. In determining the amount earnable by a member in a payroll period, the Board of Control may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one per cent of the annual compensation upon the basis of

which such deduction is to be made. (c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deduction made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the benefits provided under this chapter. The employer shall certify to the board of control on each and every payroll or in such other manner as the board may prescribe, the amount to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into the annuity savings fund, and shall be credited, together with regular interest thereon, to the individual account of the member from whose compensation said deduction was made. (d) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the Board of Control, any member may deposit in the annuity savings fund by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity which, together with his prospective retirement allowance, will provide for him a total retirement allowance not to exceed one-half of his average final compensation at age sixty. Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of retirement, when they shall be treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value and shall not be considered in computing his pension. The contributions and interest credits of a member withdrawn by him, or paid to his estate or to his designated beneficiary in event of his death, shall be paid from the annuity savings fund. Should a member cease to be a member other than by retirement under the provisions of this title, an amount equivalent to the difference, if any, between his accumulated contributions and the amount then paid shall be transferred to the expense fund. Upon the retirement of a member or the death of an eligible member where an allowance to the surviving spouse is payable his accumulated contributions shall be transferred from the Annuity Savings Fund to the Annuity Reserve Fund. (e) Notwithstanding the preceding provisions, no deductions shall be made from any member's salary on account of which the employer's contribution is in default. (2) The annuity reserve fund shall be the fund in which shall be held the reserve on all annuities in force and from which shall be paid all annuities and all benefits in lieu of annuities. Should a beneficiary again

become a member of the retirement system, his annuity reserve shall be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein. Should a beneficiary again become a teacher, his annuity reserve may be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein. (3) (a) The pension accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by employers. Contributions to and payments from the pension accumulation fund shall be made as follows: (b) On account of each member there shall be paid annually into the pension accumulation fund by employers for the preceding fiscal year an amount equal to a certain percentage of the earnable compensation of each member to be known as the "normal contribution" and until the accrued liability has been liquidated, an additional amount equal to a percentage of his earnable compensation to be known as the "accrued liability contribution". (c) On the basis of regular interest and of such mortality and other tables as shall be adopted by the Board of Control the actuary engaged by the Board to make such valuation required by this title during the period over which the accrued liability contribution is payable shall, immediately after making such valuation determine the uniform and constant percentage of the earnable compensation of the average new entrant which, if contributed on the basis of this compensation throughout his entire period of active service, would be sufficient to provide for the payment of any pension payable on his account. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability contribution has ceased to be payable, the normal contribution rate shall be the rate per centum of the earnable compensation of all members obtained by deducting from the total liabilities of the pension accumulation fund the amount of funds in hand to the credit of that fund and dividing the remainder by one percentum of the present value of the prospective total earnable compensation of all members as computed on the basis of regular interest and the mortality and service tables adopted by the Board of Control. The normal contribution rate shall be determined by the actuary after each valuation. (d) The accrued liability contribution rate shall be computed by the actuary on the basis of the valuation as of March 31, 1966 as the rate per centum of the total annual compensation of all members which is equivalent to four per centum of the total liabilities of the pension accumulation fund, based on the benefit provisions of this title which are effective as of September 1, 1965, which are not dischargeable by the sum of the funds standing to the credit of said fund and the present value of the aforesaid normal contributions. (e) The total amount payable in each year to the

pension accumulation fund shall be not less than the sum of the rates per centum known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year, provided, however that the aggregate accrued liability contribution by employers for any fiscal year commencing on or after October 1, 1966 shall be at least three per centum greater than the accrued liability contribution for the preceding fiscal year. (f) All interest and dividends earned on the funds of the retirement system shall be credited to the pension accumulation fund. The amounts needed to allow regular interest on the reserves in the annuity savings fund, the annuity reserve fund, and the pension reserve fund shall be transferred in accordance with the provisions of this chapter to the respective funds from the pension accumulation fund. The board of control, in its discretion, may transfer to and from the pension accumulation fund the amount of any surplus or deficit which may develop in the annuity savings fund, the annuity reserve fund, the pension reserve fund, or the expense fund. (g) Upon the retirement of a member or the death of an eligible member where an allowance to the surviving spouse is payable an amount equal to his pension reserve shall be transferred from the Pension Accumulation Fund to the Pension Reserve Fund. (h) Upon death of a member on account of whom no survivor allowance is payable under Section 366, Sub-section 3 (b) and (c) the death benefit as provided in (d) equal to the accumulated contributions not to exceed \$5,000.00 shall be payable from the Pension Accumulation Fund. (4) The Pension Reserve Fund shall be the fund in which shall be held the reserves on all pensions and benefits in lieu thereof granted to members and all allowances granted to surviving spouses and from which such pensions, benefits, and allowances to surviving spouses shall be paid. Should a beneficiary receiving a pension from the pension reserve fund again become a member of the retirement system, his pension reserve shall be transferred from the pension reserve fund to the pension accumulation fund. Should the pension payable from the pension reserve fund be reduced as a result of an increase in the earning capacity of a disability beneficiary, the amount of such annual reduction in his pension shall be paid annually into the pension accumulation fund during the period of such reduction. (5) The expense fund shall be the fund from which the expenses of the administration of the retirement system shall be paid, exclusive of amounts payable as retirement allowances and as other benefits provided herein. Any amounts credited to the accounts of members withdrawing before retirement and not returnable under the provisions of sub-section (3) of Section 366 of this title shall be credited to the expense fund. Any additional contributions required to meet the expenses of the retirement system shall be made as provided in subsection

(6), paragraph (c) (d) and (e) of this section. (6) (a) On or before October 1, of each year, each county and city board of education, the state board of education, the governing boards of the University of Alabama, Auburn University, and Alabama College, and the executive committee of the Alabama Education Association shall file with the board of control of the retirement system a certified statement containing the following information concerning the members of the retirement system employed by such boards for the scholastic year beginning on July first preceding said date: Name, address, monthly salary, annual salary, and such other information as the board of control may require. On or before July thirty-first of each year, each county and city board of education; the state board of education; the governing boards of the University of Alabama, Auburn University, and Alabama College; and the executive committee of the Alabama Education Association shall file with the Board of Control of the retirement system a certified statement containing the following information concerning members of the retirement system employed by such boards during the scholastic year ending on June thirtieth preceding said date: Name, address, monthly salary actually paid, total annual salary actually paid, and such other information as the board of control may require. (b) The collection of members' contributions shall be as follows: Each county and city board of education; the state board of education, the governing boards of the University of Alabama, Auburn University, and Alabama College; and the executive committee of the Alabama Education Association shall cause to be deducted on each and every payroll period subsequent to the date of the establishment of the retirement system the contributions payable by each member as provided in this chapter. Each employer shall transmit monthly, or at such time as the board of control shall designate, the total amount so deducted to the secretary-treasurer of the board of control accompanied by an itemized statement of the contributions of each individual member of the retirement system. The secretary-treasurer of the board of control after making a record of all such receipts shall transmit the same to the state treasurer to be held for use according to the provisions of this chapter. Notwithstanding anything in this section, the board of control may modify the form of reports required of employers, and may modify the method of collecting the contributions of members so that employers may retain the amounts so deducted and have a corresponding amount deducted from funds otherwise payable to them. (c) The employer's contributions shall be made by appropriation from the Alabama Special Educational Trust Fund. The appropriation shall be in an amount to be determined as follows: On or before the first day of February next preceding each regular meeting of the legislature, the board of control shall certify to the Governor the amount calculated as

a percentage of the salaries of teachers to be contributed by the State as employer for each year of the biennium next following to each of the funds of the retirement system in accordance with sub-sections (3) and (5) of this section. These amounts shall be included in the appropriation bill which is submitted to the Legislature. The board of control shall certify to the State Comptroller one quarter of the annual amount appropriated in each quarter of the fiscal year and he shall draw a warrant or warrants for the amounts due the retirement system to be deposited with the State Treasurer. (d) Where member contributions are made from salaries paid from Federal Funds the Employer shall pay from Federal Funds to the Alabama Special Educational Trust Fund the amount calculated as a percentage of the salaries of those teachers to be contributed by the State as Employer in accordance with Subsections (3) and (5) of this Section. Such amounts shall be paid monthly and at the same time as the member contributions are made to the Retirement System. Provided that the provisions of subsection (6) (d) shall not apply to funds received under the provisions of the Hatch Act of 1887, as amended in 1955, and the McIntyre-Stennis Act (Cooperative Forestry Research Act of 1962) of the Congress of the United States, for the support of agriculturally related research. (e) Where member contributions are made from salaries paid by the Alabama Education Association the Alabama Education Association shall pay the Employer costs calculated as a percentage of the salaries of those employees to be contributed as Employer in accordance with Subsections (3) and (5) of this Section. Such amounts shall be paid monthly and at the same time as the member contributions are made to the Teachers' Retirement System.

Section 3. This Act shall become effective the first day of October, 1969.

Approved May 14, 1969.

Time: 9:20 A.M.

Act No. 27

H. 96—Hill, Snell, Fite, Manley, McDonald, Harper, House, Holladay, Cook (C), Merrill, Collins (W), Pennington, Drake, Laxson

AN ACT

To raise revenue and to that end to amend Section 316 of Title 28 of the Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 316 of Title 28 of the Code of Alabama of 1940 is hereby amended to read as follows:

Section 316. No statute of this state applying to insurance companies shall be applicable to any corporation organized under the provisions of this article and amendments thereto or to any contract made by such corporation unless herein expressly mentioned and made applicable, except that the provisions regarding annual premium tax to be paid by domestic insurance companies pursuant to Title 51, Section 819, as at any time amended, shall be applicable.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:21 A.M.

Act No. 28

H. 97—Hill, Snell, Fite, Manley, House,
Holladay, Merrill, Collins (W),
Pennington, Drake, McDonald,
Cook (Coffee), Pearson,
Laxson

AN ACT

To raise revenue and to that end to amend further Sections 812, 816 and 819 of Title 51 of the Code of Alabama of 1940, as heretofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 812 of Title 51 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended so that the said section shall read as follows:

Section 812. As used in this article, unless the context or subject matter requires otherwise, the following words or terms have the meaning therein ascribed to them respectively:

(1) The term "insurance company," used in this article, shall include fire, life, benefit, accident, indemnity, fidelity, surety, guaranty, employer's liability, casualty, plate glass, burglary, automobile, tornado, cyclone, mutual aid or industrial company or association, reciprocal exchanges, fraternal benefit societies or associations, non-profit corporations organized pur-

suant to the provisions of Chapter 10, Article 3 of Title 28, Code of Alabama of 1940 or any other insurance company or association or society charging a premium for contracts entered into by such companies, associations, or societies. Provided however, the exemptions granted in chapter 9 of the said Title 28 are applicable hereto and not included in this definition for societies or associations for which a license is not required to do business.

(2) The term "foreign insurance company," as used in this article, shall mean and include any insurance company organized under the laws of any country or of any state of the United States other than the State of Alabama and shall also include insurance companies organized under the laws of Alabama which maintain their principal office or chief place of business outside the State of Alabama.

(3) The term "domestic insurance company," as used in this article, shall mean and include any insurance company organized under the laws of the State of Alabama which maintains its principal office and chief place of business in the State of Alabama.

(4) The term "premiums," as used in this article, shall include all amounts received in cash or otherwise on risks in this state as consideration for insurance contracts, less: (a) Insurance premiums returned, (b) reinsurance premiums from insurance companies authorized to do business in Alabama and subject to the premium tax provided for in this article, and (c) dividends paid, applied, or left with the company to accumulate at interest.

(5) The term "annuity considerations," as used in this article, shall mean all sums received as consideration for annuity contracts.

Section 2. Section 816 of Title 51 of the Code of Alabama of 1940, as heretofore amended is hereby further amended so that the said section shall read as follows:

Section 816. (a) Every foreign insurance company, except foreign life insurance companies, shall pay an annual premium tax amounting to four percent (4%) of the premiums received by such foreign insurance company for business done in this state whether the same are actually received by said company in this state or elsewhere, during the year ending the thirty-first day of December preceding. Every foreign life insurance company shall pay an annual premium tax amounting to one percent (1%) of annuity considerations and an annual premium tax of three percent (3%) of any other premiums received by such foreign life insurance company for business

done in this state, whether the same are actually received by said company in this state or elsewhere, during the year ending the thirty-first day of December preceding. The rate of tax on premiums shall be subject to reduction as hereinafter provided. Any foreign insurance company beginning business in the State of Alabama after January 1 of any calendar year shall, on or before the first day of March of the year succeeding the year of its entry, remit, with its statement to the Superintendent of Insurance, the taxes as required by this article on business written in Alabama for the preceding calendar year or fraction thereof in which it began business as a tax for such first year or fractional year; provided, that after any such insurance company has been operating in this state for one complete calendar year, it shall compute its business done in this state during said year and upon this basis it shall pay its taxes for that and the succeeding year. Each succeeding year the tax shall be based and paid upon business done in Alabama for the preceding calendar year, it being the intent and meaning of this article that such insurance companies shall pay their premium taxes on March 1 for such current year, except that the premium taxes for the first and second year shall be paid in the manner herein specifically provided.

The premium taxes herein collected shall be deposited in the state treasury and credited in accordance with the following tabulation:

(1) To the credit of the State General Fund, from which the Legislature may appropriate funds for old age assistance purposes:

One hundred percent (100%) of premium tax on foreign life insurance companies;

Sixty-two and one-half percent ($62\frac{1}{2}\%$) of premium tax on all foreign fire, marine and fire and marine insurance companies;

Seventy-five percent (75%) of premium tax on all other foreign insurance companies;

(2) To the credit of the Alabama Special Educational Trust Fund:

Thirty-seven and one-half percent ($37\frac{1}{2}\%$) of premium tax on foreign fire, marine and fire and marine insurance companies;

Twenty-five percent (25%) of premium tax on all other foreign insurance companies.

(b) If the annual statement or other report required to be made by such foreign insurance company to the Alabama De-

partment of Insurance, whose premiums are taxed under this article, for the preceding calendar year shows such company to have invested at the close of said year in Alabama investments, as hereinafter defined, the requisite percentages of its total admitted assets, the rate of premium tax hereby levied on premiums shall be that shown in the following schedules:

Percentage of Company's Admitted Assets Invested in Alabama Investments	Applicable Rate of Premium Tax For Foreign Life Insurance Companies	Applicable Rate of Premium Tax for All Other Foreign Insurance Companies
Less than 1%	3.0%	4.0%
1% and above but less than 2%	2.9%	3.9%
2% and above but less than 3%	2.8%	3.8%
3% and above but less than 4%	2.7%	3.7%
4% and above but less than 5%	2.6%	3.6%
5% and above but less than 6%	2.5%	3.5%
6% and above but less than 7%	2.4%	3.4%
7% and above but less than 8%	2.3%	3.3%
8% and above but less than 9%	2.2%	3.2%
9% and above but less than 10%	2.1%	3.1%
10% and above	2.0%	3.0%

(c) Alabama investments, as used in this section, shall mean any of the following investments: (1) Real estate in this state; (2) bonds or interest-bearing warrants or other evidences of indebtedness of the State of Alabama, or of any county, city, town, school district, state educational institution, municipality or other subdivision of the state, or of any duly authorized agency, board or authority of the State of Alabama or of any political subdivision thereof whether such agency, board of authority now exists or is hereafter created; (3) stocks, bonds or other evidences of indebtedness of any housing or redevelopment authority organized under the Housing Authorities Law or Redevelopment Law of the State of Alabama, as from time to time established and amended; (4) notes or bonds secured by mortgages or other liens on real estate or on leasehold interests in real estate in the State of Alabama; (5) stocks, bonds, debentures, notes or other evidences of indebtedness of any corporation organized under the laws of the State of Alabama; (6) notes, debentures, or other evidences of any indebtedness of any business operated as a sole proprietorship, partnership, or other legal entity, having its principal office and place of business in the State of Alabama; (7) notes, bonds or other evidences of indebtedness secured by mortgage or other lien upon real

estate situated in the State of Alabama and insured or guaranteed in whole or in part by the United States or any agency or instrumentality thereof, together with any bonds, debentures or other evidences of indebtedness of the United States or any agency or instrumentality thereof received and retained in whole or partial settlement of any such insurance or guaranty; (8) collateral loans to Alabama residents or to others where at least one-half of the value of the collateral so pledged constitutes an Alabama investment as defined herein; (9) cash deposits in regularly established national or state banks in this state on the basis of the average monthly deposits throughout the calendar year; (10) loans secured by policies on the lives of residents of the State of Alabama; (11) share or share accounts of building and loan associations organized under the laws of the State of Alabama or in the shares or share accounts of federal savings and loan associations having their principal office in the State of Alabama; (12) stocks, bonds, notes, debentures or other evidences of indebtedness of any corporation organized under the laws of any other state of the United States to the extent that the assets of such corporation located in the State of Alabama bear to the total assets of the corporation issuing such stocks, bonds, notes or other evidences of indebtedness; (13) stocks, bonds, notes or other evidences of indebtedness issued by railroad companies, public carriers or transportation companies, to the extent that its trackage or mileage in Alabama bears to the total trackage or mileage of such railroad, public carrier, or other transportation company; (14) that percentage of such company's investments in stocks, bonds, notes, or other evidences of indebtedness of any telegraph, telephone, electric power company, or other public utility to the extent that the revenue of any such company from Alabama bears to the total revenue of such telegraph, telephone, electric power company, or other public utility; (15) that percentage of the company's investment held as of December thirty-first in direct obligations of the United States of America as the total premiums received by the company for direct insurance of subjects located, resident or to be performed in Alabama relate to the total premiums received by the company.

(d) Any such tax so determined shall be subject to credit and deduction of the full amount of: (1) the full amount of all ad valorem taxes paid by the company for the tax year next preceding the filing of the return required hereby upon any real estate and the improvements thereon in the State of Alabama owned and at least fifty percent (50%) occupied by the company for the full period of such tax year; (2) All license fees and taxes paid to any county in this state during the year preceding the filing of the return required hereby for the privilege of engaging in the business of insurance within said

county; (3) All franchise taxes paid by the company under the provisions of Title 51, Section 347 or 348, Code of Alabama of 1940 for the tax year preceding the filing of the return required hereby; and (4) All expenses of examination of the company by the Superintendent of Insurance pursuant to the provisions of Sections 49, 50, 51 and 53 of Title 28 Code of Alabama of 1940 and Section 9 of Act No. 234, Acts of Alabama Regular Session 1951, Page 505 (Title 28, Section 47(9), Code of Alabama Recompiled 1958).

Section 3. Section 819 of Title 51, of the Code of Alabama of 1940, as heretofore amended, is hereby further amended so that the said section shall read as follows:

Section 819. Every domestic life insurance company shall pay to the Superintendent of Insurance on or before the first day of March, 1970 and annually thereafter a premium tax equal to one percent (1%) of the premiums and annuity considerations received by such insurance company for business done in this state during the preceding calendar year ending the thirty-first day of December whether the same are actually received by said company in this state or elsewhere. Every other domestic insurance company and every non-profit corporation organized pursuant to the provisions of Chapter 10, Article 3 of Title 28, Code of Alabama of 1940 shall pay to the Superintendent of Insurance on or before the first day of March, 1970, and annually thereafter, a premium tax equal to two percent (2%) of the premiums received by such company for business done in this state during the preceding calendar year ending the thirty-first day of December, whether the same are actually received by said company in this state or elsewhere. Any domestic insurance company beginning business after January first of any calendar year, on or before March first of the year following the year beginning business, shall remit with its statement to the Superintendent of Insurance the taxes as required by this section on business written in Alabama for the preceding calendar year or fraction thereof in which it began business as a tax for such first year or fractional year; provided, that after any domestic insurance company has been operating in this state for one complete calendar year, it shall compute its business done in this state during said year, and upon this basis it shall pay its taxes for that and the succeeding year. Each succeeding year the tax shall be based and paid on business done in Alabama for the preceding calendar year as herein provided, it being the meaning and intent of this section that domestic insurance companies shall pay their premium taxes on March first for such current year, except that premium taxes for the first and second year shall be paid in the manner herein specifically provided.

Any such tax so determined shall be subject to credit and deduction of the full amount of: (1) All ad valorem taxes paid by the company for the tax year preceding the filing of the return required hereby upon any building and real estate in the State of Alabama owned and occupied in whole or in part by the company for the full period of such tax year as its principal office in the State of Alabama; (2) All ad valorem taxes paid by the company for the tax year preceding the filing of the return required hereby upon all other real estate and improvements thereon in this state owned and at least fifty percent (50%) occupied by the company for the full period of such tax year; (3) All license fees and taxes paid to any county in this state during the year preceding the filing of the return required hereby for the privilege of engaging in the business of insurance within said county; (4) All expenses of examination of the company by the Superintendent of Insurance pursuant to the provisions of Section 50 of Title 28 Code of Alabama of 1940 and Section 9 of Act No. 234, Acts of Alabama Regular Session 1951, Page 505 (Title 28, Section 47(9), Code of Alabama Recompiled 1958); (5) All license or privilege taxes on lists of securities paid by the company under the provisions of Title 51, Section 372 of the Code of Alabama of 1940 during the tax year preceding the filing of the return required hereby; and (6) All franchise taxes paid by the Company under the provisions of Title 51 Section 347, Code of Alabama of 1940 for the tax year preceding the filing of the return required hereby.

The premium taxes herein collected shall be deposited in the state treasury and credited as follows:

(1) To the credit of the State General Fund:

(a) Fifty percent (50%) of premium tax on domestic life insurance companies;

(b) No part of premium tax on non-profit corporations organized pursuant to the provisions of Chapter 10, Article 3, of Title 28, Code of Alabama (1940);

(c) Twenty-five percent (25%) of premium tax on all other domestic insurance companies.

(2) To the credit of the Alabama Special Educational Trust Fund:

(a) Fifty percent (50%) of premium tax on domestic life insurance companies;

(b) One hundred percent (100%) of premium tax on non-profit corporations organized pursuant to the pro-

visions of Chapter 10, Article 3 of Title 28, Code of Alabama (1940);

(c) Seventy-five percent (75%) of premium tax on all other domestic insurance companies.

Section 3 $\frac{1}{2}$. Every domestic insurance company, anything herein to the contrary notwithstanding, shall be exempt from and not required to pay any premium tax for or on account of any premiums or annuity considerations for hospital, medical, surgical or other health care benefits supplementary to Medicare and Medicaid received by it for or on account of business done in this state, whether the same are actually received in this state or elsewhere.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:01 A.M.

Act No. 29

H. 23—Fite, Manley, Mathews, Merrill,
Drake, Pennington, Hill, Snell,
Holladay, McDonald, Cook
(Coffee), McCorquodale,
Cook (Jefferson)

AN ACT

To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for each of the two fiscal years ending September 30, 1970, and September 30, 1971, respectively, the sum of Seventy Five Thousand Dollars (\$75,000.00), out of funds in the Alabama Special Educational Trust Fund for the use and benefit of the Marion Institute located at Marion, Perry County. The appropriations shall be used for support and maintenance of the institute and for payment of current expenses, and shall be paid out on warrants of the State Comptroller, upon vouchers or requisitions signed by the chief executive officer of the institute as approved by the Governor.

Section 2. This Act shall become effective on October 1, 1969.

Approved May 14, 1969.

Time: 9:13 A.M.

Act No. 30

H. 24—Mathews, Merrill, Drake, Pennington, Hill, Snell, Manley, Fite, McDonald, Holladay, Cook (Coffee), McCorquodale, Cook (Jefferson), Burgess, Harper

AN ACT

To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for each of the two fiscal years ending September 30, 1970 and September 30, 1971, respectively, the sum of Forty Two Thousand Six Hundred and Seventeen Dollars (\$42,617.00), out of the funds in the Alabama Special Educational Trust Fund, to the Lyman Ward Military Academy located at Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. This Act shall become effective on October 1, 1969.

Approved May 14, 1969.

Time: 9:07 A.M.

Act No. 31

H. 25—Mathews, Merrill, Drake, Pennington, Hill, Snell, Manley, Fite, McDonald, Holladay, Cook (Coffee), McCorquodale, Cook (Jefferson)

AN ACT

To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for each of the two fiscal years ending September 30, 1970, and September 30, 1971, respectively, the sum of Four Hundred Seventy Thous-

and Dollars (\$470,000.00) out of funds in the Alabama Special Educational Trust Fund for the use and benefit of the Tuskegee Institute located at Tuskegee, Macon County. The appropriations shall be used for support and maintenance of the institute and for payment of current expenses, and shall be paid out on warrants of the State Comptroller, upon vouchers or requisitions signed by the chief executive officer of the institute as approved by the Governor.

Section 2. This Act shall become effective on October 1, 1969.

Approved May 14, 1969.

Time: 9:08 A.M.

Act No. 32 H. 26—Mathews, Merrill, Drake, Pennington,
Hill, Snell, Manley, Fite, McDonald,
Holladay, Cook (Coffee),
McCorquodale, Cook (Jefferson)

AN ACT

To make appropriations for the support and maintenance of the Walker County Junior College, located at Jasper, in Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for each of the two fiscal years ending September 30, 1970 and September 30, 1971, respectively, the sum of Seventy-Five Thousand Dollars (\$75,000.00), out of funds in the Alabama Special Educational Trust Fund, for the use and benefit of the Walker County Junior College, located at Jasper, in Walker County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriations herein made shall be expended on warrants of the State Comptroller and upon vouchers or requisitions signed by the chief executive officer of Walker County Junior College and approved by the Governor.

Section 2. This Act shall become effective October 1, 1969.

Approved May 14, 1969.

Time: 9:09 A.M.

Act No. 33 H. 44—Cook (Jeff.), Merrill, Hill, Pennington,
Snell, Manley, Fite, House, Holladay,

Cook (Coffee), McDonald, Drake,
Young, Smith, Harris

AN ACT

Relating to local funds for support of the public schools; requiring a prescribed minimum of local financial support for the public schools as an additional prerequisite to participation in the apportionment of the minimum program fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In order for the public schools of a county, including the independent cities therein, to share in the apportionment of the minimum program fund, in addition to meeting all the prerequisites prescribed by law or rule or regulation of the state board of education, beginning with the school year 1971-72 the county or the independent city, as the case may be, shall also provide for the year for which aid is requested at least a required minimum of local participation in the cost of operating the schools in the area. The required minimum of local participation shall be an amount equal to such proportion of the state average of local participation per student in average daily attendance as the per capita income of the residents of the county for the preceding calendar year bears to the per capita income of the residents of the whole state for such year. The state average of local participation per student in average daily attendance shall be computed on the basis of local taxes specifically levied, designated, earmarked and appropriated for educational purposes in the several counties and cities of the state. For the purpose of determining the minimum of local participation required for a county or an independent city therein to share in the minimum program fund for a particular year all moneys used or available for use that year by the county or city board of education for the operation of schools generally under such boards' jurisdiction shall be deemed and considered a part of such local participation, including all local taxes specifically levied, designated and earmarked for school purposes and all other local funds from any other source. The term, "local funds from any other source" shall include all special appropriations, contributions, gifts, devises, or bequests made, contributed or given to such boards of education by the county, a municipality, a person, a firm, or a corporation for use for general educational purposes by the recipient board, but shall not include funds received from the Federal government or any agency thereof. Contributions, gifts, devises, or bequests made for use only at designated schools or for designated purposes, however, shall not be included when determining the amount of such minimum of local participation. For the purpose of determining whether a county or the independent cities therein are providing the

minimum local participation required to share in the minimum program fund, if the average of participation by the county and all the independent cities therein meets the minimum, then such county and all the independent cities therein shall be deemed to be meeting the minimum required local participation; and such county and all independent cities therein shall share in the minimum program fund. For the purpose of determining whether a county or the independent cities therein are providing the minimum local participation required to share in the minimum program fund, if the average of participation by the county and all the independent cities therein meets the minimum, then such county and all the independent cities therein shall be deemed to be meeting the minimum required local participation; and such county and all independent cities therein shall share in the minimum program fund. If the average of the participation by a county and the independent cities therein does not come up to the required minimum of local participation, then such county and the independent cities therein shall not be entitled to share in the minimum program fund.

Section 2. The director of the department of industrial relations of the state of Alabama shall certify to the state board of education the per capita income of the residents of the various counties of the state for the preceding calendar year.

Section 3. The commissioner of revenue of the department of revenue of the state of Alabama shall determine the state average of local participation per student in average daily attendance in the system or systems in each county of the state and shall also determine the amount of local support as defined hereinabove and report such to the state board of education.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:14 A.M.

Cook (Coffee), McCorquodale, Drake,
McDonald, Young, Smith, Mays, Agee,
Headley, Harris

AN ACT

Authorizing the county governing body of each of the several counties to levy, assess and collect franchise, excise and privilege license taxes in order to raise funds to be used for the public schools in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to provide funds for the operation of the public schools in the county, the governing body of each of the several counties in this state is hereby authorized by ordinance or resolution to levy and provide for the assessment and collection of franchise, excise and privilege license taxes, which shall be in addition to any and all other county taxes heretofore or hereafter authorized by law, in such county. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of the county. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. All the proceeds from any tax levied pursuant to this Act less the cost of collection thereof shall be used exclusively for public school purposes. Provided that in all counties having more than one (1) school system, revenues collected under the provisions of this Act shall be distributed within such county on the same basis as funds received by the county from the Minimum Program Fund are distributed within the county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:15 A.M.

Act No. 35

H. 77—McDonald, Hill, Pennington, Snell,
McLain, Manley, Fite, House,
Holladay, Cook (Coffee),

McCorquodale, Drake, Merrill,
Cook (Jefferson), Smith,
McElhaney, Tuck, Starnes, Beck,
Laxson, Wright, Grainger, Culver

AN ACT

To prescribe the manner of determining teacher units for the purpose of apportioning the minimum school program fund; and to repeal and supersede conflicting laws or parts of laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In determining the number of teacher units to be allowed a county or an independent city for the purpose of apportioning the minimum program fund, one teacher unit shall be allowed for each twenty-eight pupils in average daily attendance, during the preceding school year in all the public schools of the county, including schools in the independent cities therein, provided that those systems which show an increase in average daily attendance during the subsequent year may be allowed one additional teacher unit for each twenty-eight pupils in such increase in average daily attendance for such subsequent year.

Section 2. All laws or parts of laws in conflict herewith are repealed. It is specifically provided that this Act shall supersede and repeal the provisions of Code of Alabama 1940, Title 52, Section 209, which conflict herewith.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:18 A.M.

Act No. 36

H. 82—Collins (W), Downing, Grayson,
Collins (C)

AN ACT

To make an appropriation to the State Board of Education for civilian rehabilitation.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any appropriation heretofore made, there is hereby appropriated the sum of Fifty Thousand Dollars, (\$50,000.00) for the fiscal year ending September 30, 1969, from the Alabama Educational Trust Fund to the State Board of Education, Civilian Rehabilitation, for the rehabilitation of handicapped individuals.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:19 A.M.

Act No. 37

H. 175—Tuck

AN ACT

Be It Enacted by the Legislature of Alabama:

To raise revenue; to levy an excise tax on account of the use, storage or consumption in the State of Alabama of certain utility services; to prescribe the rates thereof and exclusions therefrom; to provide the method of collecting such tax and the method of enforcing payment thereof; to provide for the disposition of the proceeds from the said tax; and to repeal all laws in conflict with this Act.

Section 1. *Definitions.* The following words wherever used in this Act, unless a different meaning clearly appears in the context, shall be given the following respective interpretations.

“Business” shall mean all activities engaged in, or caused to be engaged in, relating to the furnishing of utility services.

“Department” shall mean the Department of Revenue of the State of Alabama.

“Domestic water” shall mean all water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

“Gross receipts” shall mean the value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expense whatever, and without any deductions on account of losses. “Gross receipts” shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any person in connection with the business or requirements of such other person.

“Gross sales” shall mean the value proceeding or accruing from the furnishing of utility services (and including the proceeds from the sale of any utility services handled on consign-

ment by the taxpayer), without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. "Gross sales" shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

"Person" shall mean an individual, firm, copartnership, association, trustee, receiver, corporation or other entity, and shall specifically include the State of Alabama, every county in the State of Alabama, every municipal corporation in the State of Alabama, the United States of America and its agencies, and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America, and operating in the State of Alabama, as well as every private or non-public entity.

"Purchase" shall mean utility services which are acquired, with or without consideration, whether such acquisition is effected by a transfer of title, or of possession, or of both, or a license to use or consume, whether such transfer is absolute or conditional, and by whatsoever means the same shall have been effected.

"Retail sale" shall mean all sales except those defined herein as wholesale sales.

"Sales price" shall mean the total amount for which utility services shall have been sold (or, if not sold or sold for only a nominal amount, the fair market value thereof) valued in money, whether paid in money, or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatever; provided, cash discounts allowed and taken shall not be included.

"Storage" shall mean any keeping or retention in the State of Alabama of utility services for any purpose, except sale in the regular course of business or subsequent use solely outside the State of Alabama.

"Taxpayer" shall mean any person liable for taxes under the provisions of this Act.

"Use" shall mean the exercise of any right or power over utility services or the disposition thereof incident to a pro-

prietary or possessory interest therein, except that it shall not include the sale of utility services in the regular course of business.

"Utility" shall mean every person regularly engaged in furnishing utility services to the public in the State of Alabama.

"Utility gross receipts tax" shall mean the tax levied by that certain Act of the Legislature of Alabama which resulted from the enactment into law of H. B. 28 introduced at the First Extraordinary Session of 1969 of the Legislature of Alabama.

"Utility services" shall mean electricity, domestic water; natural gas; telegraph services; and telephone services to subscribers; provided that "utility services" shall not mean telephone services or telegraph services stored, used or consumed by a utility regularly engaged in furnishing such services or either of them to the public, or telephone services or telegraph services which are not subject to regulation by the Alabama Public Service Commission or any successor thereto; provided, further, that "utility services" shall not mean utility services stored, used or consumed by a utility other than by a municipality or other municipal entities organized by a municipality.

"Wholesale sale" shall mean a sale or exchange of utility services by a utility to or with anyone, including any person or any utility, engaged in the resale of such utility services in the regular course of business, but does not include a sale of utility services by a utility to a consumer or user, not for resale.

Section 2. *Use of Phrases.* The following shall be applicable to the provisions of this Act:

"Herein," "hereby," "hereunder," "hereof," and other such words of reference shall refer to this Act as a whole and not solely to the particular section or portion of this Act in which any such word may be used.

The definitions set forth in Section 1 hereof shall be deemed applicable whether the words defined are used in the singular or the plural.

Section 3. *Legislative Intent.* It is the intention of the Legislature of Alabama that the tax herein levied shall be supplemental to and complementary with the utility gross receipts tax so as to prevent discrimination in the effect of the utility gross receipts tax upon either intrastate or interstate commerce. It is the intention of the Legislature of Alabama that the tax herein levied shall apply to purchases of utility services from all utilities in the State of Alabama, notwithstanding the fact that legislation heretofore enacted may have ex-

empted certain utilities from all taxation in the State of Alabama, including excise, privilege or license taxes. It is the intention of the Legislature of Alabama by this Act to repeal all prior tax exemptions to the extent said exemptions are inconsistent with this Act. With respect to every tax exemption which may be enacted into law subsequent to the enactment of this Act, there shall be a presumption that such exemption does not apply to the tax herein levied unless the statute containing such exemption shall make specific reference to this Act and shall clearly show a legislative intention to make such exemption applicable to the tax herein levied.

Section 4. *Levy of Tax.* There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, an excise tax on the storage, use or other consumption in the State of Alabama of utility services furnished by utilities and the amount of said tax shall be determined by the application of rates against the sales price of said utility services, regardless of whether the utility furnishing said utility services is or is not engaged in business in this state, except as hereinafter provided, and shall be computed monthly in accordance with the following table:

If the total sales price of the utility services furnished by a utility and stored, used or otherwise consumed by a person in one month is :	The Tax with respect to said utility services is :
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Not over \$8500	4% of said sales price
Over \$8500 but not over \$20,000	\$340 plus 3% of excess over \$8500
Over \$20,000 but not over \$40,000	\$685 plus 2% of excess over \$20,000
Over \$40,000	\$1085 plus 1% of excess over \$40,000

Every person storing, using or otherwise consuming utility services in the State of Alabama furnished by a utility shall be liable for the tax imposed herein, and the liability shall not be extinguished until said tax shall have been paid to the State of Alabama.

Section 5. *Exclusions.* The storage, use or other consumption of utility services in the State of Alabama is hereby specifically excluded from the tax herein levied:

(a) Whenever the State of Alabama is prohibited from taxing such storage, use or consumption under the Constitution or

laws of the United States of America or the Constitution of the State of Alabama;

(b) Whenever any tax relating to the sale, use, storage or consumption of said utility services shall be levied under the provisions of Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, or under the provisions of Act No. 100, adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended;

(c) Whenever the purchase of said utility services shall have been at a wholesale sale;

(d) Whenever electricity, natural gas, or domestic water shall have been used or consumed by anyone, including any person or utility, engaged in the sale or resale of any such utility services in the regular course of business, directly in or for the production, generation, processing, storage, delivery or transmission of electricity, natural gas or domestic water, including but not limited to loss or waste of electricity, natural gas or domestic water thereby; or whenever the storage of utility services is by anyone including any person or utility, engaged in the sale or resale of such utility services in the regular course of business;

(e) Whenever electricity purchased for storage, use or other consumption is used or consumed by a manufacturer or compounder in an electrolytic or electrothermal manufacturing or compounding process;

(f) Whenever natural gas purchased for storage, use or other consumption is used or consumed by a manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy; and

(g) Whenever natural gas purchased for storage, use, or other consumption is used by a manufacturer or compounder to chemically convert raw materials prior to the use of such converted raw materials in an electrolytic or electrothermal manufacturing or compounding process; and

(h) Whenever the sales price of said utility services shall be included as a part of the gross receipts or gross sales of a utility subject to the utility gross receipts tax for the purpose of calculating the utility gross receipts tax payable by said utility.

Section 6. *Utilities to Register and Give Information.* Every utility, except as hereinafter provided, engaged in making retail sales of utility services for storage, use or other con-

sumption in the State of Alabama shall within thirty days after the effective date of this Act, register with the department and give the name and address of its officers and directors, the location of each of its offices in the State of Alabama, the names and addresses of all persons with whom said utility has contracts for furnishing utility services by said utility, the names and addresses of all persons who have purchased utility services from said utility during the then next preceding twelve months, the amounts of the sales prices of all utility services furnished by said utility, and such other information as the department may require with respect to matters pertinent to the enforcement of this Act; provided, this Section of this Act shall not apply to persons holding a license under the provisions of the utility gross receipts tax; providing, further, this Section of this Act shall not apply to the United States of America or to any agency or Department of the United States of America, or to any corporation exempted from so registering with the department under the Constitution or laws of the United States of America.

Section 7. Seller to Collect Tax; Regulations; Penalty. Every seller making sales of utility services for storage, use or other consumption in this state, not exempted under the provisions of Section 5 of this Act, shall at the time of making such sales or, if the storage, use or other consumption of the utility services is not then taxable hereunder, at the time such storage, use or other consumption become taxable hereunder, collect the tax imposed by this Act from the purchaser, and give to the purchaser a receipt therefor in the manner and form prescribed by the department. The tax required to be collected by the seller from the purchaser shall be displayed separately from the list, advertised in the premises, marked or other price on the sales check or other proof of sales. It shall be unlawful for any such seller to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof imposed by this Act will be assumed or absorbed by the seller or that it will not be added to the selling price of the property sold, or if added that it or any part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. The tax herein required to be collected by the seller shall constitute a debt owed by the seller to this state.

In the event that a seller making sales of utility services for storage, use or other consumption in this state, not exempted under the provisions of Section 5 of this Act, is exempted from collection of the tax herein levied by any provisions of the Constitution or laws of the United States of America, then the purchaser of such utility services shall pay the said tax directly

to the department each month pursuant to such regulations as the department may prescribe from time to time.

Section 8. *Procedure for Collecting Tax.* The tax herein levied shall be collected in accordance with the procedures set forth for collecting the use tax described in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, and for that purpose there are hereby incorporated into this Act by reference the provisions of Sections 792 through 807, inclusive, of Title 51 of the Code of Alabama of 1940, as amended, and Sections 809 through 811, inclusive, of Title 51 of the Code of Alabama of 1940, as amended; provided, wherever in said provisions the words "this article" shall appear, the same for the purposes of this Act shall be construed to mean "this Act"; provided, further, wherever in said provisions reference shall be made to March 1, 1939, the same for the purposes of this Act shall be construed to mean "the effective date of this Act"; provided, further, wherever in said provisions reference shall be made to June 30, 1939, the same shall for the purposes of this Act mean that certain day one calendar month subsequent to the effective date of this Act; provided, further, none of the said provisions shall apply to the United States of America or to any agency or Department of the United States of America; provided, further, that the tax herein levied shall be collected monthly and all reports and records respecting the said tax herein levied shall be made on a monthly basis, and to that end, wherever in said provisions the word "quarterly" shall appear, the same for the purpose of this Act shall be construed to mean "monthly"; and wherever in said provisions the words "three months" shall appear the same for the purposes of this Act shall be construed to mean "one month."

Section 9. *Disposition of Proceeds from Tax.* All taxes or other funds received or collected by the Department of Revenue of the State of Alabama under the provisions of this Act remaining after the payment of the expenses of administration and enforcement of this Act shall be without delay deposited into the state treasury to the credit of Alabama Special Educational Trust Fund.

Section 10. *Repeal of Inconsistent Law.* All laws in conflict with the provisions of this Act are, to the extent of such conflict, hereby repealed.

Section 11. *Severability.* In the event any section, part, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, parts, sentences, clauses or provisions of this Act, which shall continue effective.

Section 12. *Effective Date.* This Act shall become effective on September 1, 1969, following its enactment and approval by the Governor or its otherwise becoming law.

Approved May 14, 1969.

Time: 9:00 A.M.

Act No. 38

H.53—Pennington, Snell, Hill, Meade, Holladay, Cook (Coffee), McLain, Manley, Fite, Turnham, House, Drake, Merrill, McDonald, Cook (Jefferson), Berryman (R), Pruitt, Ellis, Bowers, Hain, Owen (Baldwin), Money, McElhaney, Agee, Mays, Smith, Higginbotham, Laxson, Lemley, Hobbie, Bassett, Foshee, Jackson (F), Grainger, Tuck, Jones, Bank

AN ACT

Relating to public schools; to provide for the qualifications of county superintendents of education in the several counties of this state, and to repeal conflicting general, special and local laws providing for the qualifications of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. After this act takes effect the county superintendent of education of each county of the state shall have the following qualifications: Such person shall be chosen for his general fitness and character, but shall not be eligible for appointment or election unless he shall offer proof to the county board of education that he holds a degree from a recognized four-year college or university and, in the event such superintendent is to be appointed by a county board of education, he must offer proof to the board that he is knowledgeable in school administration. Such person need not be a resident or qualified elector of the county in which he is to serve.

Section 2. The provisions of Code of Alabama 1940, Title 52, Chapter 6 as amended, in conflict herewith, or of any other general, special or local law in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:16 A.M.

Act No. 39

H. 55—Pennington, Snell, Meade, Hill, Manley, Fite, House, Holladay, Cook (Coffee), McLain, McCorquodale, Merrill, McDonald, Drake, Collins (W), Cook (Jefferson), Berryman (R), Pruitt, Ellis, Bank, Turnham, Owen (Baldwin), Bowers, Money, Hain, McElhaney, Agee, Mays, Smith, Higginbotham, Laxson, Lemley, Hobbie, Bassett, Foshee, Jackson (F), Grainger, Tuck, Beck, Jones

AN ACT

Relating to public schools; to provide for the appointment and qualifications of city superintendents of schools in all cities of this state having a city board of education, and to repeal conflicting general, special and local laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After this act takes effect, in each city of this state which has a city board of education, the superintendent of city schools shall be appointed by the said city board of education and shall serve at the pleasure of such board. Such person shall be chosen for his general fitness and character, but shall not be eligible for appointment unless he shall offer proof to the board that he holds a degree from a recognized four-year college or university, and is knowledgeable in school administration. Such person need not be a resident or qualified elector of the city or county in which he offers to serve. The duties, powers and compensation of city superintendents of schools as prescribed by law shall remain unchanged by this act.

Section 2. The provisions of Code of Alabama 1940, Title 52, Chapter 9 as amended, in conflict herewith, and of any other general, special or local law in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 9:17 A.M.

Act No. 40

S.J.R. 4—Nabors

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an invitation be most cordially extended to United States Senator James Allen to address a joint session of the Legislature on a day at the Senator's convenience, arranged by him and the Speaker of the House and the Presiding Officer of the Senate.

RESOLVED FURTHER That a copy of this Resolution be sent to Senator Allen.

Approved May 14, 1969.

Time: 12:00 Noon.

Act No. 41

S.J.R. 5—Vacca

SENATE JOINT RESOLUTION

WHEREAS, the Great State of Alabama was admitted into the Union of States of the United States of America in the year 1819, after being a part of the Alabama Territory, and

WHEREAS, this year, 1969, marks the 150th Anniversary of the State of Alabama, and a year of great celebration by a wonderful people who inhabit the same, and

WHEREAS, the people of this Great State are justly proud of their brave ancestors who gave their lives, their honor, and their fortunes so that future generations may live in peace, enjoy the State's beauty, and use its natural resources for the betterment of all mankind, and

WHEREAS, the people are also celebrating this Great State's heroes, including heroes of War: The gallant John Pelham, Joe Wheeler, Bedford Forrest, Raphael Semmes, Emma Sansom, and Juliet Hopkins—Of Peace: John Tyler Morgan and Edmund Winston Pettus—Of Science: William Crawford Gorgas and Booker T. Washington—Of Humanity; Helen Keller—Of Industry: Thomas Russell, Donald Comer, Erskin Ramsey—and the hundreds of others in other fields of endeavor too numerous to name here, but who will never be forgotten in the hearts and minds' archives of their countrymen, and

WHEREAS, we are grateful to God for our rich land, our beautiful lakes and rivers, our majestic mountains, our snow-white beaches, and our bountiful forests, and

WHEREAS, we dedicate ourselves in mind, body, and spirit to the preservation of our heritage, and the continuation of our honored traditions tempered and adjusted to a modern people—ever mindful of their needs—

NOW, THEREFORE, We the Lawmakers of the Great Sovereign State of Alabama, in Extraordinary Sessions, do hereby proclaim this Assembly, with its subsequent regular session, to be the Sesquicentennial Session of the Alabama Legislature.

DONE this the First Day of April, in the year of Our Lord, 1969.

Approved May 14, 1969.

Time: 12:01 P.M.

Act No. 42

S.J.R. 6—Giles

SENATE JOINT RESOLUTION

WHEREAS, The Troy State University Band, "The Sound of the South", has accumulated a proud list of honors and awards, and

WHEREAS, This fine musical organization, under the baton of Johnny Long, has brought honor and fame to our state by its participation in many of the major bowl games, particularly the Blue Gray Game, the Senior Bowl, and the New York Jets exhibition game, and also represented Alabama in the Inaugural parade in Washington, D.C., and

WHEREAS, We feel that Mr. Long and his band are well-deserving of these distinguished recognitions, to which we would like to add the appreciation of the Legislature; now, therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That we congratulate "The Sound of the South" and its director, Mr. Johnny Long, for having contributed so meaningfully to the spirit of Troy State University and to the entire state through its music.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Mr. Johnny Long and to Dr. Ralph Adams, President.

Approved May 14, 1969.

Time: 12:02 P.M.

Act No. 43

S.J.R. 7—Giles

SENATE JOINT RESOLUTION

WHEREAS, The Troy State University football team, "The Red Wave", has had a truly outstanding season, as evidenced by its having won the championship of the N.A.I.A. (National Association of Independent Athletics) for the current year; and

WHEREAS, this phenomenal success has been achieved under the brilliant leadership of Coach Billy Atkins, who has been head coach at Troy State University for only three years, and

WHEREAS, the State of Alabama, long accustomed to championship teams from other parts of the state, can now claim yet another championship team from one of the fastest-growing educational institutions in Alabama; now, therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Legislature extend its proud congratulations to the Troy State University "Red Wave", both individually and collectively, and to its coaching staff under the guidance of Coach Atkins.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Coach Atkins and to Dr. Ralph Adams, President.

Approved May 14, 1969.

Time: 12:03 P.M.

Act No. 44

S.J.R. 9—Radney

SENATE JOINT RESOLUTION

WHEREAS Robert Alston Russell, longtime friend of recreation and conservation in the State of Alabama and particularly in his home area surrounding Alexander City, was the founder of Windcreek Park, which is not only a haven of enjoyment to the people of this state but is also one of Alabama's major tourist attractions; and

WHEREAS Mr. Russell was largely instrumental in procuring a bridge across the Elkahatchee Creek portion of Lake Martin in order to provide a shorter route to Windcreek Park for travelers from east Alabama, thereby making it more accessible for additional visitors; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the

bridge across the Elkahatchee Creek portion of Lake Martin be named and known as the "Robert Alston Russell Memorial Bridge" as a fitting tribute to this outstanding man who contributed so unselfishly to the development of Alabama.

Resolved Further that the highway department be directed to erect appropriate markers so designating this bridge.

Approved May 14, 1969.

Time: 12:04 P.M.

Act No. 45

S.J.R. 11—Torbert, Adams, Albea, Bailes, Branyon, Carr, Childs, Clark, Cooper, Dominick, Engel, Folsom, Giles, Gilmore, Givhan, Goodwyn, Harris, Hawkins, Jackson, Leonard, Lindsey, Lolley, McCarley, McDermott, Morrow, Nabors, O'Bannon, Oden, Pelham, Pierce, Radney, Skidmore, Stone, Turner and Vacca

SENATE JOINT RESOLUTION

WHEREAS our good friend and most valued adviser, Mr. Charles M. Cooper, Director of the Legislative Reference Service for the past twenty-two years is currently hospitalized; and

WHEREAS Mr. Cooper has not only worked tirelessly and most effectively in drafting necessary legislative measures and in doing endless requisite legal research therefor, but he has also been our trusted counselor and mentor who has steered us clear of many legal and impractical pitfalls into which we might otherwise have fallen. He has been a patient and good-humored listener whose knowledge and unquestioned integrity we have consistently relied upon; and

WHEREAS Mr. Cooper's knowledge of constitutional law, which is probably unsurpassed in this State, has long been recognized in the Council of State Governments where he is serving as Alabama's representative and where he is a distinct credit to this State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely regret Mr. Cooper's illness. We wish for him an early and complete recovery, and look forward to his return to his office.

Approved May 14, 1969.

Time: 12:05 P.M.

Act No. 46

S.J.R. 13—Morrow, Bailes, Dominick, Childs,
Gilmore, Hawkins and Vacca

SENATE JOINT RESOLUTION

WHEREAS Mrs. Ann Smolian Jacobson, civic and cultural leader of Birmingham, passed away on December 1, 1968, after a lifetime of devoted and inspirational service to her city and state; and

WHEREAS Mrs. Jacobson, the wife of Mr. John Jacobson and the daughter of Mr. and Mrs. Joe Smolian, was a member of a family noted for its generosity to the University of Alabama Medical Center and other projects which well served long felt needs of Jefferson County and of Alabama; and

WHEREAS Mrs. Jacobson was one of the founders of Birmingham's Festival of Arts and International Fair and at the time of her death was Alabama chairman for the Kennedy Center of the Performing Arts and vice chairman of the Alabama Arts Council. She served as a board member of the Children's Theater, Birmingham Civic Ballet, Incorporated, Town and Gown Theater and was active in numerous other civic and cultural organizations to which she gave her loyal support, enthusiasm and innate abilities, and for which she will long be remembered with affection and gratitude; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Ann Smolian Jacobson to whom this state is deeply indebted. We extend our deepest sympathy to her husband, Mr. John Jacobson, to her two daughters, Miss Nancy and Miss Susan Jacobson and to her parents, Mr. and Mrs. Joe Smolian, all of Birmingham and to her sister, Mrs. Arthur Pruce of Atlanta.

Resolved further that copies of this resolution be sent to the surviving members of Mrs. Jacobson's family.

Approved May 14, 1969.

Time: 12:06 P.M.

Act No. 47

S.J.R. 15—Oden and O'Bannon

SENATE JOINT RESOLUTION

WHEREAS the circular driveway on the south lawn of our Capitol will soon be lined with the flags of all of the states of the Union flying upon shining, individual aluminum poles

generously donated to the State by the Reynolds Metals Company; and

WHEREAS at the base of each pole there will be installed a plaque identifying the flag above, some of which plaques donated by the several states and already installed, are made of materials indigenous to the particular state; and

WHEREAS the American flag will continue to fly in front and above the avenue of flags on the same pole in which it has flown since 1918 when its erection and subsequent dedication were made possible by the donations of Alabama school children; and

WHEREAS it is particularly fitting that the flags of the several states will fly atop poles made and constructed in Alabama at Listerhill by a company which has meant so much to the economic development of the State of Alabama and particularly to the Tennessee Valley area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to thank the Reynolds Metals Company for its generous contribution of the beautifully constructed flagpoles which will materially enhance the impressive avenue of flags on the Capitol grounds.

RESOLVED FURTHER, That copies of this resolution be sent to Mr. Robert Holloway, Southeastern Public Relations Manager for Reynolds Metals Company, 412 South Court Street, Florence, Alabama and to Mr. Glenn Bradley, Manager of the Aluminum Reduction Plant at Listerhill, Alabama.

Approved May 14, 1969.

Time: 12:07 P.M.

Act No. 48

S.J.R. 16—Goodwyn and Pierce

SENATE JOINT RESOLUTION

Requesting and authorizing the Board of Trustees of the University of Alabama to establish a Graduate School of Library Service which will provide a full range of education, research, and service programs in order to improve the professional practice of librarianship, to increase the number of professional people available to serve Alabama's libraries, to improve operations of all types of libraries in the State, to introduce innovations into our libraries, and to serve the needs of the citizens of Alabama.

WHEREAS, the Alabama Library Association; other professional organizations of librarians; technical, public, school, and college library personnel; and hosts of other concerned Alabama citizens have requested the Board of Trustees of the University of Alabama to establish a Graduate School of Library Service which will reflect the highest academic standards and which will be responsive to the education, research, and service needs of the State of Alabama;

WHEREAS, the University of Alabama has indicated its disposition to establish a Graduate School of Library Service and its willingness to support the School with its programs in the humanities, the social and physical sciences, and its several professional schools on its three campuses;

WHEREAS, there is an immediate need for 4,600 professionally trained librarians for all types of libraries in Alabama—school, public, special, and college and university libraries;

WHEREAS, a Graduate School of Library Service will increase the availability of professional librarians and will contribute materially to the retention of practitioners within the State;

WHEREAS, the School will cooperate with all institutions of higher education in Alabama, will complement and supplement existing undergraduate programs in librarianship in Alabama, and will tender leadership to the State and to its librarians and libraries through education and training programs for graduate students and for librarian practitioners;

WHEREAS, the School will provide research and service programs which will make possible better operating practices in libraries and which will introduce the technology of information science into our libraries to serve the needs of schools, communities, industry, specialized researchers and research organizations, government, and indeed the young, the middle-aged, and the senior citizens of Alabama;

WHEREAS, librarians provide unique and multiple services which facilitate learning, research, recreation, and economic progress for all citizens of Alabama;

WHEREAS, the librarian leads and guides the student—elementary, secondary, undergraduate, and graduate—beyond the textbook into the wide world of individual pursuit of knowledge;

WHEREAS, it is the consensus of the Legislature of Alabama that the Board of Trustees of the University of Alabama should establish for the citizens of our State a Graduate School

of Library Service, meeting the highest standards of education, research, and service, from funds made available to the University for these purposes;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that the Board of Trustees of the University of Alabama is hereby requested and authorized to accept the responsibility of establishing and operating a Graduate School of Library Service.

Approved May 14, 1969.

Time: 12:08 P.M.

Act No. 49

S.J.R. 17—Cooper

SENATE JOINT RESOLUTION

Requesting and authorizing the Board of Trustees of the University of Alabama to establish, maintain, and operate, as a part of the University of Alabama in Birmingham, a school of community and allied health resources.

WHEREAS, the State of Alabama is in great need of more effective health care delivery and the development and coordination of education, research and service in community and allied health; and

WHEREAS, the State of Alabama has an acute shortage in trained personnel in allied health professional fields of medical technology, radiation technology, occupational therapy, physical therapy based both on the present national average and the recognized projections of needs in these fields in 1975; and

WHEREAS, recognizing the needs of the state for the training of more people in existing as well as new categories of allied health manpower, and the development and coordination of education and research in community health, studies have been conducted in the existing programs and future needs leading to the recommendation that a new school of community and allied health resources be established in the University of Alabama in Birmingham as a part of its medical center; and

WHEREAS, the proposed school shall have as its purpose the providing of effective health care delivery in Alabama through the planning, coordinating and conducting para-medical, para-dental, hospital administrative, and community health training programs which may include but not be limited to a division of allied health services to include under laboratory services programs in medical technology, cytotechnology, dental

laboratory technology, and pathology assistant, and under clinical services programs in physical therapy, occupational therapy, radiation therapy, speech pathology, audiology, surgical assistant, physician assistant, dental assistant, dental hygienist, nurse-midwife, and nurse-anesthetist; a division of community and administrative health services to include under community health services programs in graduate public health training, environmental medicine, and toxicology, and under administrative health services programs in hospital administration, medical record librarian, and health internships in dietetics, hospital administrator, and social service; an office of continuing education to provide programs in upgrading the educational level of existing and already practicing allied health personnel; and a bureau of community services and research to serve as a resource to the state, and particularly its hospitals, in providing research and analysis in the improvement of health care delivery. The school shall also develop curricula, course materials, and train teachers in the allied health professions to support in-service training in community hospitals, and for training in other educational institutions; and

WHEREAS, the University of Alabama in Birmingham has expressed a willingness to establish, maintain, and operate a school of community and allied health resources from funds made available to it for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that The Board of Trustees of the University of Alabama is hereby requested and authorized to establish, maintain and operate a school of community and allied health resources.

Approved May 14, 1969.

Time: 12:09 P.M.

Act No. 50

S.J.R. 18—McCarley

SENATE JOINT RESOLUTION

WHEREAS it has been learned with profound sorrow that Clyde Northington, son of Mr. and Mrs. A. D. Northington of Prattville, has lost his life in Vietnam while in the service of his country; and

WHEREAS this young man who was one of the finest and most promising young men of this State, was held in the highest regard by all who knew him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Clyde Northington and extend our heartfelt sympathy to his family, to whom copies of this resolution shall be sent.

Approved May 14, 1969.

Time: 12:10 P.M.

Act No. 51

S.J.R. 19—McCarley

SENATE JOINT RESOLUTION

WHEREAS the recent death of Mr. G. Ray Marshall of Prattville was a distinct loss to his city and community. Mr. Marshall actively engaged in every worthwhile endeavor for the betterment of his community, and was held in the highest esteem by all those with whom he came in contact; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of Mr. Marshall and extend our heartfelt sympathy to his widow, Mrs. Edwina Marshall to whom a copy of this resolution shall be sent.

Approved May 14, 1969.

Time: 12:11 P.M.

Act No. 52

S.J.R. 20—McCarley and Giles

SENATE JOINT RESOLUTION

WHEREAS the Alabama Sheriffs' Association which established Boys' Ranch at Minter, Alabama, is doing exceptionally fine work in its operation and management of this facility to carry out the association's program of preventive law enforcement; and

WHEREAS boys who might not otherwise have an opportunity to learn to respect all living things in an enjoyable and wholesome atmosphere so conducive to attaining this knowledge and training may attend this ranch; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we

most highly commend the Alabama Sheriffs' Association for the outstanding work which they are doing to combat juvenile delinquency and in maintaining the only preventive law enforcement program in Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to the Alabama Sheriffs' Association at Minter, Alabama.

Approved May 14, 1969.

Time: 12:12 P.M.

Act No. 53

S.J.R. 21—Branyon and Cooper

SENATE JOINT RESOLUTION

WHEREAS, Mr. W. W. "Bill" Cotney served with distinction for 24 years as the first and only superintendent of Auburn University's Upper Coastal Plain Substation until his recent retirement; and

WHEREAS, Mr. Cotney's outstanding work in the establishment of this agricultural research station in Fayette and Marion counties contributed much to the agricultural progress in this region of our State; and

WHEREAS, this graduate of Auburn University in the Class of 1931 has exhibited untiring loyalty and devotion to his alma mater throughout the years, and has by his tireless support of agriculture and agriculture research contributed immeasurably to the furtherance of this State; and

WHEREAS, the Auburn University Board of Trustees has unanimously recommended the naming of the Office-Auditorium Building at the Upper Coastal Plain Substation for Mr. Cotney.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that in recognition of the devotion and outstanding service of Mr. Cotney to Auburn University and the people of Alabama, that the building be designated, named, and known as the W. W. Cotney Auditorium.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mr. Cotney and his family.

Approved May 14, 1969.

Time: 12:13 P.M.

Act No. 54

S.J.R. 22—Jackson

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the overpass by which U. S. Highway #29 crosses the railroad tracks at Flomaton in Escambia County shall be designated and named "The Nelson-Wallace Railroad Overpass" in honor of the late Mr. Herman Nelson, former Director of the State Highway Department and a career employee of said department, and of the late Governor Lurleen B. Wallace.

BE IT FURTHER RESOLVED, That the State Highway Department shall cause appropriate markers or signs to be erected so designating this bridge as a tribute to the late Herman Nelson, former State Highway Director, and the late Lurleen B. Wallace, former Governor of Alabama. Such marker shall also have inscribed thereon the names of the following officials currently in office, together with the name of the office he holds: The State Senator and the Member of the House of Representatives from Escambia County, and the Mayor and Councilmen of the City of Flomaton.

Approved May 14, 1969.

Time: 12:14 P.M.

Act No. 55

S.J.R. 23—Branyon

SENATE JOINT RESOLUTION

WHEREAS, Mrs. Dorothy Owings Baker of Carrollton, Alabama, 29-year old mother of two, Beth 5 and Cindy 2, achieved national recognition when she was named National Young Mother of the Year; and

WHEREAS, Judging was based on a list Mrs. Baker made of principles of family-raising and on her own family activities, as well as on her essay "Today's Need—A Responsible Mother;"

and

WHEREAS, Mrs. Baker is the Guidance Counselor at Carrollton High School where she also teaches an English class, and she is a leader in many community activities and in the Baptist Church; and

WHEREAS, Mrs. Baker, as representative of eleven southeastern states, was selected by the National Mothers Committee over four other district winners; and

WHEREAS, Such recognition as "Young Mother of the Year" redounds to the benefit of all Alabamians; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we congratulate Mrs. Baker for her success in national competition and extend heartiest congratulations to her, and acknowledge our warm feelings of pride in the credit she reflects on herself, her family, her community, and on Alabama.

BE IT FURTHER RESOLVED That a copy of this resolution be forwarded to Mrs. Dorothy Owings Baker, Carrollton, Alabama.

Approved May 14, 1969.

Time: 12:15 P.M.

Act No. 56

S.J.R. 24—Branyon

SENATE JOINT RESOLUTION

WHEREAS, Mrs. James Samuel Coleman passed away in Talladega, Alabama on April 20, 1968, after a long and useful Christian life; and

WHEREAS, Mrs. Coleman was elected as "Alabama's Mother of the Year" in 1958. She was a past president of the United Daughters of the Confederacy, The Women of the Presbyterian Church, the 20th Century Study Club, and Arts Club; and

WHEREAS, Mrs. Coleman through her high personal integrity, meritorious services, and understanding heart, endeared herself to the entire community to which she left a rich heritage; and

WHEREAS, Mrs. Coleman is survived by four sons, James S. Coleman, Charles H. Coleman, Wilson McConnell Coleman, and John Woodrow Coleman, and a number of grandchildren; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we express deepest regrets at the passing of Mrs. James Samuel Coleman and extend sincerest sympathy to the surviving members of her family.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Justice James S. Coleman, Supreme Court of

Alabama, Judicial Building, Montgomery, Alabama; Mr. Wilson McConnell Coleman, 925 Chestwood Avenue, Tallahassee, Florida 32303; Mr. Charles H. Coleman, 4206 Nashwood, Dallas, Texas 75234; and Mr. John Woodrow Coleman, 315 Moorfield Drive, Talladega, Alabama.

Approved May 14, 1969.

Time: 12:16 P.M.

Act No. 57

S.J.R. 25—Albea

SENATE JOINT RESOLUTION

WHEREAS, thirty students at Anniston High School are participating in a sixteen-day flight to Mars (Simulated) called Project Aries I; and

WHEREAS, the participants have spent much effort, time and money in an independent study of space flight; and

WHEREAS, the astronauts aboard Aries I have successfully completed one half of their journey with round-the-clock support from their team at Mission Control; and

WHEREAS, Project Aries I exemplifies the resourcefulness and intelligence of the youth of our state, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate the Anniston High School students on Project Aries I, and commend each member of the team for their efforts in and dedication to the independent study of science.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Clifford Smith, principal of Anniston High School.

Approved May 14, 1969.

Time: 12:17 P.M.

Act No. 58

S.J.R. 26—Givhan

SENATE JOINT RESOLUTION

WHEREAS Mr. Clyde Morton of Sedgefield Plantation in Dallas County departed this life on Monday, April 7, at the University Hospital in Birmingham, Alabama, and

WHEREAS Mr. Morton was a noted bird dog trainer and fancier and devoted most of his life in the interest of conservation and in the enjoyment of sports in the great outdoors and

WHEREAS he was nationally known and widely acclaimed as the foremost authority on Field Trials for champion bird dogs and

WHEREAS he bred many grand champions and champions of field trials and was awarded many trophies for his fine work in this endeavor and

WHEREAS he established the State of Alabama as the foremost state in the holding of Field Trial competitions.

BE IT THEREFORE RESOLVED by the Legislature of Alabama, both the Senate and House concurring, that we express to the family of Mr. Clyde Morton our deepest sympathy and regret at his passing from our midst and that we spread upon the journals of the House and Senate our feeling of great loss in the passing of this fine citizen of our state.

Approved May 14, 1969.

Time: 12:18 P.M.

Act No. 59

S.J.R. 27—Pierce, Goodwyn,
and Torbert

SENATE JOINT RESOLUTION

WHEREAS the State of Alabama is exceedingly proud of our native son, Postmaster-General Winton M. Blount who has been eminently successful in all his undertakings which have been many and varied; and

WHEREAS Red, as he is affectionately called by his host of friends and admirers, served his country with gallantry and distinction in World War II as a B-29 pilot. Upon his return from service he, with his brother Houston Blount operated a small sand and gravel business in Union Springs, and shortly thereafter they established Blount Brothers Construction Company in Montgomery. Mr. Blount's outstanding ability, knowledge and utilization of sound business principles and procedures soon gained national recognition for him and his fast growing company. His keen perception in his selection of associates brought top technical and administrative personnel to his company, and his unquestioned integrity and fair dealing kept them there. This company has in recent years built some of the

largest and most important constructions necessary for this country's space age and missile projects; and

WHEREAS Mr. Blount has a wide range of interests, an unsurpassed zest for living and a consuming desire to explore in depth the various fields in which these interests abound. He is primarily a family man with a charming wife and five attractive children. He is a sportsman of note who excells in several activities, particularly horseback riding, tennis, skiing and water sports. He is an avid reader and student of history, capable of applying the lessons learned to everyday problems of modern times. He is a religious man, an active member of the Presbyterian Church and one who is concerned with the welfare of others; and

WHEREAS Mr. Blount has been honored by appointment to many high positions and has accepted and discharged his responsibilities with outstanding effectiveness. Among these positions are: Chief executive of the Alabama Chamber of Commerce, President of the Alabama Road Builders Association, Director of the National Association of Manufacturers, President of the United States Chamber of Commerce, member of the board of directors of various banks, railroads, insurance companies and manufacturing groups and currently Postmaster-General of the United States; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the appointment of the Honorable Winton M. Blount to the position of Postmaster-General of the United States. We warmly congratulate him for his having this signal honor bestowed upon him and for his acceptance thereof at great personal sacrifice. The nation, and particularly the people of Alabama, confidently expect the duties and responsibilities of this high position to be discharged with the same degree of excellence which has for so long been consistently maintained by Mr. Blount.

RESOLVED FURTHER That copies of this resolution be sent to President Nixon, to Postmaster-General Blount, to the Associated Press and to the United Press International.

Approved May 14, 1969.

Time: 12:19 P.M.

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State's junior college located and established in Fayette County shall be named, designated and known as Albert P. Brewer Junior College.

Approved May 14, 1969.

Time: 12:20 P.M.

Act No. 61

S.J.R. 34—Jackson

SENATE JOINT RESOLUTION

WHEREAS the young people of Alabama in their participation in "Crusade for Decency" rallies throughout the state have demonstrated to the world that they have the courage to defend the traditions of religion and patriotism against those forces which seek to undermine these institutions and to destroy the character of the youth of this country, and

WHEREAS these young people have justified their heritage and exhibited the loyalty and character which their parents, teachers, and friends have come to expect of them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we salute these outstanding young people and pledge our support to the "Crusade for Decency" and to the sacred principles which it so clearly illustrates.

Approved May 14, 1969.

Time: 12:21 P.M.

Act No. 62

H.J.R. 2—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of three members of the House, to be named by the Speaker of the House and two members of the Senate, to be named by the presiding officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business; and

BE IT FURTHER RESOLVED THAT said Committee ascertain from His Excellency if he desires to address a joint

session of the Legislature and if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

Approved May 14, 1969.

Time: 12:22 P.M.

Act No. 63

H.J.R. 3—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 o'clock today for the purpose of hearing the message of the Honorable Albert P. Brewer, Governor of Alabama; and

BE IT FURTHER RESOLVED, that a committee of three from the House to be named by the Speaker of the House and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved May 14, 1969.

Time: 12:23 P.M.

Act No. 64

H.J.R. 4—Neville

HOUSE JOINT RESOLUTION

WHEREAS, former Governor Chauncey Sparks passed away at his home in Eufaula on November 6, 1968 at the age of eighty-four after a long and influential political career, and

WHEREAS, Governor Sparks served as one of Alabama's war-time governors from 1943 to 1947 after having served in the Alabama legislature for four terms, the last three of which terms were consecutive, and during which time his keen legal ability and knowledge of practical politics were invaluable, and

WHEREAS, Governor Sparks was known for his conservatism in public spending and consistently opposed additional taxes, yet he was far-sighted and progressive in his plans for

education and improved programs for state government when sufficient funds became available. He was a sound administrator who enjoyed the confidence of the legislature. His administration saw the creation of the University of Alabama Medical College and the Alabama Dental College, the State Labor Department and the Legislative Reference Service. It was largely through his efforts to give Negroes certain educational advantages not previously available to them in state schools that state supported program were established at Tuskegee Institute. He was also credited with causing a statewide study of education to be made and with the establishment of the farm-to-market road program; and

WHEREAS, Governor Sparks has left this state a rich legacy of good government by reason of his service as governor, legislator and political advisor, now therefore

BE IT RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of former Governor Chauncey Sparks to whom this state will be everlasting indebted.

RESOLVED FURTHER That copies of this resolution be sent to the family of Governor Sparks.

Approved May 14, 1969.

Time: 12:24 P.M.

Act No. 65

H.J.R. 10—Bank, Culver, Pennington,
Robertson, Brown,
Merrill, McCorquodale
House

HOUSE JOINT RESOLUTION

WHEREAS the resignation of Dr. Frank Rose from the presidency of the University of Alabama has been regretfully accepted by the board of trustees of that institution, he leaves Alabama with her people deeply indebted to him for his unprecedented accomplishments during his administration, and carries with him every best wish for his continued success and personal satisfaction in his new undertakings; and

WHEREAS Dr. Rose, one of this country's most widely known and respected educators, has for many years served effectively on numerous boards of national significance, and has recently been named chairman of the board of General

Computer Corporation and president of its affiliate, the Education, Health and Research Division in Washington and

WHEREAS Dr. Rose's untiring devotion to duty and his determined insistence on the cultivation of excellence in all things have been an inspiration of such proportion as to set the university on a higher plane of learning. During his eleven years as president he has seen the university's enrollment almost double, its outside support rise from \$1.3 million to \$33 million and its assets increase in value from \$5.06 million to \$172.2 million. He has been a practical administrator with a vision, and the realization of this vision will some day be due in large measure to Rose's efforts; and

WHEREAS it is especially noted that Mrs. Rose has been a distinct asset to her husband's administration. She has not only aided and encouraged him, served long and tireless hours engaged in university affairs, been a most charming and gracious hostess during countless occasions, but she has also been an active participant and leader in numerous worthwhile civic endeavors; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Dr. Rose for his outstanding administration as president of the University of Alabama. We are deeply grateful to him and to Mrs. Rose for their many contributions to this state. While we sincerely regret their departure from Alabama, we extend to them our warmest and best wishes for health and happiness in their new home.

Resolved further that copies of this resolution be sent to Dr. and Mrs. Rose and to the University of Alabama.

Approved May 14, 1969.

Time: 12:29 P.M.

Act No. 66 H.J.R. 11—Bank, Culver, Williams, Pennington,
Robertson, Brown, Merrill,
McCorquodale, House

HOUSE JOINT RESOLUTION

WHEREAS Dr. Pat Trammell of Scottsboro, one of this State's most outstanding young men, died at Birmingham on December 10, 1968 after fighting a courageous but losing battle to cancer; and

WHEREAS Dr. Trammell who had quarterbacked and captained the University of Alabama's number one football team in 1961, was an honor student and at the time of his death was a promising young physician; and

WHEREAS Dr. Trammell was an uncommon man of uncommon character and capabilities whose poise, alertness and desire to win inspired his associates and radiated confidence in their ability to win. He was modest in manner and quick to give credit to others; and

WHEREAS Dr. Trammell was a leader of men and excelled in every area of endeavor in which he participated, whether on the football field, in the halls of learning or in everyday life; and

WHEREAS Dr. Trammell is survived by his wife the former Miss Ba Smith; two children, Pat Jr. and Juliana; his parents Dr. and Mrs. E. L. Trammell of Scottsboro; two brothers, Dr. Dale Trammell of Decatur and Mr. Don Trammell, a student at the University of Alabama Dental College and a host of friends and admirers who mourn his loss; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama has suffered a severe loss in the untimely death of one of its finest and most promising young men. We extend our deep and heartfelt sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

Approved May 14, 1969.

Time: 12:30 P.M.

Act No. 67 H.J.R. 15—Collins (C), Perloff, Marr, Collins
 (W), Grayson, Downing, Nettles,
 Lyons, Edington, Wood

HOUSE JOINT RESOLUTION

WHEREAS, former Congressman, Frank W. Boykin, passed away on March 12, 1969, and

WHEREAS, Frank W. Boykin will be missed by hundreds of friends throughout Alabama and the entire United States, and the entire public has lost a dear friend, and

WHEREAS, Frank W. Boykin was born in Choctaw County, Alabama and started his business career at the age of eight by carrying water for a railroad gang and was considered

a business tycoon in his teens, and by the time he was first elected to Congress in 1935 he had gained a widespread reputation in the business world with his land, timber and related dealings, and once in Congress, Frank W. Boykin applied boundless energy to representing his district and the State of Alabama, and when his congressional career ended in 1962 he still maintained an active interest in politics while turning to his many business activities, and even at the end Frank W. Boykin was planning construction of a jet plane repair facility;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That our heartfelt sympathy be extended to the family and friends of Congressman Frank W. Boykin of Mobile and directs that a copy of this resolution be spread upon the journal of the House and Senate and a copy sent to his family.

Approved May 14, 1969.

Time: 12:31 P.M.

Act No. 68

H.J.R. 16—Turnham

HOUSE JOINT RESOLUTION

WHEREAS the State of Alabama suffered a severe loss on August 13, 1968 in the death of Dr. Ralph Brown Draughon, former president of Auburn University from 1948 until his retirement in 1965; and

WHEREAS Dr. Draughon was not only a scholarly gentleman with much practical experience in varied fields of education but he was also an outstanding administrator. During his presidency of Auburn, that institution's student enrollment tripled in size and the enrollment in graduate courses increased five-fold. More than fifty major buildings were constructed which more than doubled the previously existing physical facilities. In addition to providing for this phenomenal growth, Dr. Draughon achieved remarkable success in upgrading the quality of education at Auburn. More than forty percent of the teaching faculty on campus at Auburn held the Ph.D. or other terminal degree prior to the end of his administration compared to only twelve percent at its beginning. All programs leading to the doctorate degree and many of those leading to masters degrees were initiated during his administration. Much important research begun during Dr. Draughon's tenure has either reached fruition or has gained marked progress; and

WHEREAS the State of Alabama is deeply indebted to Dr. Draughon for his many contributions to the field of education, and he will be long remembered by his host of friends and admirers for his personal charm, ready wit and gentle manner; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama deeply regrets the passing of Dr. Draughon, and extends its sincere sympathy to Mrs. Draughon and to their children, Mrs. Thomas G. Cousins and Mr. Ralph B. Draughon, Jr. to whom copies of this resolution shall be sent.

Approved May 14, 1969.

Time 12:32 P.M.

Act No. 69

H.J.R. 17—Turnham, Neville

HOUSE JOINT RESOLUTION

WHEREAS The Auburn Plainsman, for the second consecutive year, has won the Pacemaker Award given annually by the American Newspaper Publishers Association, which award is considered to be the highest honor a college newspaper can earn for overall excellence; and

WHEREAS for the third consecutive year The Plainsman has won the highly coveted honor of being rated ALL-American by the Associated College Press. This rating from the National Critical Service of ACP represents one of the highest honors which can be awarded to a college newspaper and was received by about ten per cent of the five hundred publications entered; and

WHEREAS the ACP's critical review cited The Plainsman particularly for its excellence in news coverage, features, editorials, sports and in-depth reports; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Auburn University, The Plainsman's editor, Mr. David Housel, its manager, staff members and faculty advisors for the excellence of Auburn's weekly publication, and we assure them that we take much pride in the favorable recognition which they have brought to Auburn University and to the State of Alabama.

RESOLVED FURTHER That a copy of this resolution be sent to The Auburn Plainsman.

Approved May 14, 1969.

Time: 12:33 P.M.

Act No. 70

H.J.R. 18—Cherner, Gafford

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the library at Wenonah State Junior College be named and known as The Theodore A. Lawson Library, as a fitting tribute to the president of that institution, Dr. T. A. Lawson, who for the past eighteen years has served the cause of education with dedication and inspirational leadership.

Approved May 14, 1969.

Time: 12:34 P.M.

Act No. 71

H.J.R. 19—Bassett, Hardin

HOUSE JOINT RESOLUTION

WHEREAS Mr. Brooks Greene of Banks, Alabama, a former member of this House from Pike County who served during the years 1943-1947, passed away on March 31, 1967; and

WHEREAS Mr. Greene was a highly respected citizen who not only served so effectively as a member of this body, but he also served as a valued member of the Pike County school board and gave generously of his time and talents toward every worthwhile endeavor of his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Mr. Greene and extend our deepest sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

Approved May 14, 1969.

Time: 12:35 P.M.

Act No. 72

H.J.R. 20—Melton, Garrett

HOUSE JOINT RESOLUTION

WEREAS the Honorable Robert Hunter Jones, beloved and highly respected dean of the Conecuh County Bar Association passed away on July 4, 1968, after having practiced law for almost a half century; and

WHEREAS Mr. Jones, the son of the late Sophronia Autrey Jones and George Mott Jones, Jr., was a descendent of families long influential in the South. Through his father he was descended from families identified with Tidewater Virginia since the Colonial Era and his mother was a granddaughter of Alexander Autrey, the first permanent settler of Conecuh County; and

WHEREAS "Mr. Bob," as he was affectionately called by his host of friends, was a man who was ever mindful of his duties and responsibilities. From early manhood he was active in the religious, political and social life of Evergreen and Conecuh County. During World War 1, he served with honor and distinction in France with the American Expeditionary Forces and subsequent to his return to the practice of law he was elected to the state senate where he rendered valuable service to his State and to the counties he represented; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mr. Robert Hunter Jones and extend our deepest sympathy to the surviving members of his family.

Resolved further that copies of this resolution be sent to Mr. Jones' son, Mr. Robert H. Jones, Jr., and to his three sisters, Mrs. Zell Chapman, Miss Ethel Jones and Miss Thelma Jones, all of Evergreen.

Approved May 14, 1969.

Time: 12:36 P.M.

Act No. 73

H.J.R. 21—Pruitt, Manley

HOUSE JOINT RESOLUTION

WHEREAS, in recognition and in appreciation of the signal accomplishments and outstanding service of a distinguished Alabamian who has served the United States in war with courage and in peace with wisdom; who has served Alabama as a strong member of the Congress of the United States, with

unusual insight into the crucial issues of our times, and with untiring energy expended on the solution of current political, social, and economic problems, and with a keen understanding of and concern about the real interest of the people of Alabama in these problems; who has been a prominent member of the Alabama Bar Association; who has given tireless effort for education generally and for Livingston University particularly,

THEREFORE, We, the Legislature of Alabama, both Houses concurring, take the privilege of making a resolution that the building under construction during this year, 1968, and designed for use as a woman's residence hall, will from this day forward be known as the Armistead I. Selden, Jr. Hall.

Approved May 14, 1969.

Time: 12:37 P.M.

Act No. 74

H.J.R. 22—Pruitt, Manley

HOUSE JOINT RESOLUTION

WHEREAS, Dr. Alda May Spieth has been a loyal and conscientious member of the faculty of Livingston State College for thirty-eight years, and

WHEREAS, Dr. Spieth has served with distinction as Chairman of the Division of Biological and Physical Sciences and Mathematics of Livingston State College, and

WHEREAS, Dr. Spieth has developed an outstanding reputation as a teacher of biology in the region, and

WHEREAS, Dr. Spieth has stimulated an interest in the teaching of and the advanced study of the natural sciences on the part of scores of students, and

WHEREAS, Dr. Spieth is held in the highest esteem and respect by both students and colleagues, and

WHEREAS, Dr. Spieth has now reached the mandatory retirement age

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES CONCURRING That one of the new girl's dormitories at Livingston State College be named the "Alda May Spieth Hall."

Approved May 14, 1969.

Time: 12:38 P.M.

Act No. 75

H.J.R. 26—Jackson, Foshee

HOUSE JOINT RESOLUTION

WHEREAS the Opp City Board of Education was one of the twelve regional first place winners in the National Education Association Thom McAn School Board Awards program; and

WHEREAS this program is sponsored annually by the NEA Association of Classroom Teachers in an effort to pay recognition to local school boards for outstanding contributions to education and to strengthen cooperation between professional educators and lay personnel; and

WHEREAS the Opp Teachers Association nominated that city's board of education for the award as a tribute to the board's many fine contributions to the Opp schools and in appreciation of the close cooperation with which the board, the teachers and the citizens of Opp have worked for the betterment of the community. A modern school building recently constructed with funds of local effort and costing approximately \$1,500,000, stands as a monument to their cooperative achievements; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Opp City Board of Education for its outstanding service which has won national recognition.

RESOLVED FURTHER that copies of this resolution be sent to the following: The President of the Opp City Board of Education; Mr. Vernon L. St. John; Mr. Ned Moore and to the Opp News.

Approved May 14, 1969.

Time: 12:39 P.M.

Act No. 76

H.J.R. 27—Cameron, Harris, Hobbie,
McElhaney, Springer

HOUSE JOINT RESOLUTION

WHEREAS, the young people of Montgomery propose to present a Rally for Decency May 1, 1969; and

WHEREAS, their planning committee is composed of representatives of each Montgomery high school, Prattville and Wetumpka; and

WHEREAS, these young people have chosen this Rally to voice their concern in the present trend of entertainment and philosophy; and

WHEREAS, these young citizens wish to reaffirm their

1. Belief in God
2. Love of Country
3. Love of Family
4. Belief in the responsibility of youth
5. Respect and pride in oneself
6. Respect for all men;

now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Legislature heartily commend and congratulate these teenagers on their expressed concern for decency, and express the admiration and appreciation of the Legislature to them.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Rally for Decency Committee.

Approved May 14, 1969.

Time: 12:40 P.M.

Act No. 77

H.J.R. 28—Starnes, Drake

HOUSE JOINT RESOLUTION

WHEREAS the State of Alabama has suffered a severe loss in the death of one of its leading citizens, Mr. Bill McDonald of Guntersville. Mr. McDonald had been executive vice president-manager of the Guntersville Chamber of Commerce since 1966 and had been instrumental in bringing new and outstanding industries to Guntersville and Marshall County. At the time of his death he was engaged in the promotion and development of the Little Mountain State Park and in order to bring this project to reality was of material assistance in securing rights-of-way and easements for this project, and in obtaining appropriate and effective lighting for Paul Stockton Memorial Highway and in promoting the dedication of the Lurleen Wallace Drive; and

WHEREAS Mr. McDonald who was born in the Columbus City community north of Guntersville where over five generations of his family had resided, was the son of James D. and Nell Perkins McDonald. He was educated in the schools of Marshall County, attended Massey College in Birmingham, and was graduated with a degree in law in 1941 from Columbus University, Washington, D. C. (now Catholic University); and

WHEREAS Mr. McDonald retired in 1966 after almost 33 years of outstanding service with the United States government, over 24 years of which were with the Treasury Department. His exceptional abilities and qualifications made him a particularly valuable career man and he was rapidly advanced to numerous positions of importance. Notable among these were Southeastern Field Representative for the Department of Agriculture's Land Utilization Program; Administrative Assistant to the Director of the Land Utilization Program of the Soil Conservation Service; Executive Officer of the Savings Bonds Division of the Treasury Department, and subsequently the Assistant National Director for all phases of the savings bond program. During Mr. McDonald's service with the Treasury Department he was one of eight out of several hundred applicants in federal service to be awarded a scholarship to the American Management Association Management Course in New York City. The Treasury Department presented Mr. McDonald with the "Exceptional Service Award" and upon his retirement from federal service he was presented with the "Gallatin Award" for fidelity to duty as well as for length of service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Mr. Bill McDonald, one of Alabama's truly most outstanding citizens; and we extend our sincere sympathy to the surviving members of his family, to whom copies of this resolution shall be sent.

Approved May 14, 1969.

Time: 12:41 P.M.

Act No. 78

H.J.R. 29—House

HOUSE JOINT RESOLUTION

The Clerk of the House of Representatives and the Secretary of the Senate are hereby respectfully requested to remove my name as a sponsor from House Bill 93.

Approved May 14, 1969.

Time: 12:42 P.M.

Act No. 79

H.J.R. 31—Turnham, Higginbotham,
Brassell

HOUSE JOINT RESOLUTION

WHEREAS the State of Alabama suffered a severe loss in the untimely death of Dr. Paul E. Shoffeitt, Assistant Director of Toxicology for Alabama, who died of a heart attack at his home in Auburn on March 24, 1969; and

WHEREAS Dr. Shoffeitt was first employed by the State of Alabama in April of 1940 and had remained continuously, except for educational leaves of absence, in state service until the time of his death. He was particularly well qualified by native ability, as well as by education and experience for the difficult and important position he filled. Dr. Shoffeitt obtained both his bachelor's and master's degree in chemistry from Auburn University, the LLB degree from Jones Law School in Montgomery and subsequently the PhD degree from Auburn University; and

WHEREAS Dr. Shoffeitt had long been recognized as an outstanding authority in his field and was a valued member of the following organizations: American Academy of Forensic Science; Southern Association of Forensic Science, of which he was a charter member; International Association of Forensic Toxicologists; Alabama Academy of Science; American Chemistry Society; Committee on Alcohol and Drugs of the National Safety Council; Alabama Peace Officers Association; and he was a Lt. Colonel retired of the United States Army Reserves; and

WHEREAS Dr. Shoffeitt was an active supporter of numerous worthwhile civic endeavors and was chairman of the board of deacons of the First Baptist Church of Auburn; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Dr. Paul Shoffeitt who has rendered distinguished service to this state. We extend our heartfelt sympathy to Mrs. Shoffeitt; to their daughters, Mrs. Jean S. Thomas, Newnan, Georgia and Miss Mary Shoffeitt of Auburn; and to their son Mr. Paul G. Shoffeitt of Nashville, Tennessee, to whom copies of this resolution shall be sent.

Approved May 14, 1969.

Time: 12:43 P.M.

Act No. 80

H.J.R. 32—Fine

HOUSE JOINT RESOLUTION

WHEREAS the State of Alabama suffered a severe loss in the death of our former colleague Mr. Jack Hankins on March 18, 1969 at his home in Vernon, Alabama; and

WHEREAS Mr. Hankins, a native of Lamar County who had served effectively for sixteen years in the Legislature of Alabama and had won the respect and affection of all with whom he came in contact, was an outstanding leader of his state and community; and

WHEREAS Mr. Hankins had been owner, publisher and editor of The Lamar Democrat since 1947, was director of the Aid-West Alabama program composed of Fayette and Lamar counties, was a director of First Federal Savings and Loan Association of Hamilton and served on numerous state and civic committees; and

WHEREAS Mr. Hankins was a staunch member of the First Baptist Church of Vernon and had served as chairman of the Board of Deacons. He gave generously of his time and talents to untold numbers of worthwhile endeavors of his area and was a greatly beloved citizen of his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mr. Jack Hankins and extend our sincere sympathy to Mrs. Hankins and to his son Jack Hankins, Jr., to whom copies of this resolution shall be sent.

Approved May 14, 1969.

Time: 12:44 P.M.

Act No. 81

H.J.R. 33—Beck

HOUSE JOINT RESOLUTION

WHEREAS the Hill-Burton Act, introduced and sponsored by Senator Lister Hill of Alabama, which act is one of the most

important legislative measures ever passed by the United States Congress, will expire at the end of the fiscal year 1970; and

WHEREAS this act which has provided more than 400,000 beds in hospitals, nursing homes and rehabilitation facilities, better than half of them in rural communities having populations of 5,000 or less, has been a salvation to untold thousands who otherwise might have needlessly suffered or even died; and

WHEREAS Senator Jacob Javits of New York has introduced S.B. 1733, proposing a radical revision of the present Hill-Burton program, which bill not only eliminates all grant programs for public and non-profit hospital construction and provides a loan guarantee program for private, non-profit hospitals, ends all grants for acute hospital beds in order to channel funds into facilities for ambulatory and extended care and health centers; but it also provides for the termination of the Hill-Burton Act on June 30, 1969, one year prior to the expiration date provided in the act; and

WHEREAS the Javits bill, which has no co-sponsors, would be very detrimental to all hospitals in Alabama and particularly to public hospitals which would receive no help whatsoever from federal sources; and it would actually kill the hospital construction program in this state and in every other state; and

WHEREAS Congressman Rogers of Florida has introduced H. B. 7059, pending in the Health, Education and Welfare subcommittee of which Representative Rogers is chairman. This bill extends the Hill-Burton Act through the fiscal year 1973 but removes therefrom the federal allotment formula which favors low-income states and provides for such allotments to be based on population; and

WHEREAS Congressman Staggers of West Virginia has introduced H. B. 6797 which bill extends the Hill-Burton Act through the fiscal year 1973. This bill retains the program for federal grants to public and non-profit health facilities contained in the Hill-Burton Act and also retains the federal allotment formula which favors low-income states; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body heartily endorses the Staggers bill, H. B. 6797; we oppose the Rogers bill, H. B. 7059; and we vigorously oppose and denounce the Javits bill, S. B. 1733 as being arbitrary, capricious, vicious and a duplication of a similar loan guarantee program administered by the Department of Housing and Urban Development.

RESOLVED FURTHER that we respectfully request and strongly urge each member of Alabama's Congressional Delegation

tion to give the Staggers bill, H. B. 6797 his unqualified support; to oppose the Rogers bill, H. B. 7059; and to oppose vigorously with every possible means available the Javits bill, S. B. 1733.

RESOLVED FURTHER that copies of this resolution be sent to each member of Alabama's Congressional Delegation.

Approved May 14, 1969.

Time: 12:45 P.M.

Act No. 82

H.J.R. 34—Grainger, Gloor, Pennington, Kilgore, Weeks, Watkins, Gafford, Crane, Dill, Sessions, Jones, McLain, R. Berryman, Starnes, Adwell, Ellis, Waggoner, Money, Jackson (Jefferson), Cherner, Yeilding, Cook (Jefferson), House, Bowers, Meeks, Drake, Owens (W. E.)

HOUSE JOINT RESOLUTION

WHEREAS, President Richard M. Nixon issued a directive on March 27, 1969, requiring that regional headquarters within five agencies of the federal government be consolidated in specified cities and further directed that all other government agencies take note of such action and govern themselves accordingly; and

WHEREAS, the ultimate result of such action by President Nixon would be the movement of all regional headquarters within the Southeastern area to the City of Atlanta, Georgia; and

WHEREAS, such indiscriminate centralization of grass-roots level of government into regional centers of bureaucracy violates all reasonable concepts of logic and government economy and violates President Nixon's own campaign promise to bring government closer to the people; and

WHEREAS, the long-range effect of this indefensible policy would be the transfer of jobs, employees, and payrolls involving thousands of people and millions of dollars from the States of Alabama, Florida, Mississippi, South Carolina and Tennessee, to an already overcrowded and expensive center of government concentration.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That this Legislature does hereby go on record as vigorously protesting the directive of the President of the United States, dated March 27, 1969, which signals the beginning of a move towards concentration of government within the Southeastern region into the single city of Atlanta.

BE IT FURTHER RESOLVED, That the Legislature of Alabama protests the further implementation of such policy to any degree whatsoever, and protests the transfer of any of the many loyal government employees employed within the State of Alabama.

BE IT FURTHER RESOLVED, That this Legislature does respectfully request that such policy of the President be revised and rescinded and that we do urge our United States Senators and Representatives and those of our neighboring states to join in insisting that such policy be rescinded.

BE IT FURTHER RESOLVED That copies of this resolution be submitted to the President of the United States and members of Congress from the States of Alabama, Florida, Mississippi, South Carolina and Tennessee.

Approved May 14, 1969.

Time: 12:46 P.M.

Act No. 83

H.J.R. 36—Owen (Baldwin), Brannan, Ellis,
Bowers, Weeks

HOUSE JOINT RESOLUTION

WHEREAS Lieutenant (j.g.) Robert Joseph Sykora, a native of Baldwin County, and the son of Mr. and Mrs. J. F. Sykora of Loxley, Alabama, was a member of the crew of the reconnaissance plane shot down by the North Koreans over international waters in the Sea of Japan on April 15, 1969; and

WHEREAS the State of Alabama joins her sister states in mourning the death of all thirty-one of the fine, brave young crewmen of this aircraft which was attacked while unarmed and on a routine reconnaissance mission, we are particularly saddened by the death of one of our most promising young men who was greatly beloved and highly regarded; and

WHEREAS this unprovoked and calculated act of aggression on the part of North Korea on an unarmed and insufficient-

ly protected plane is but another in a sequence of events similar to the attack on the USS Pueblo from which the President of the United States and the Department of Defense should have learned a lesson and for which they should have been prepared; and

WHEREAS if it is necessary to maintain reconnaissance planes and vessels for informational purposes in such areas, and we do not question such necessity, we do question our government's seeming complacency and lack of swift and effective retaliatory action, and we most strenuously object to the continued senseless practice of sending unarmed and insufficiently protected planes and vessels into areas where they are subject to such attacks, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Lieutenant (j.g.) Robert Joseph Sykora of Baldwin County, Alabama and his fellow crew members who lost their lives in the plane shot down last week over the Sea of Japan and we extend our heartfelt sympathy to the surviving members of their respective families.

RESOLVED FURTHER that a copy of this resolution be sent to Mr. and Mrs. J. F. Sykora of Loxley, Alabama; to Alabama's Congressional Delegation; to the President of the United States; and to the United States Department of Defense.

Approved May 14, 1969.

Time: 12:47 P.M.

Act No. 84 H.J.R. 37—Starnes, Drake, Lyons, McDonald

HOUSE JOINT RESOLUTION

WHEREAS the untimely death of Dr. Thomas Earle Martin of a heart attack in Mobile on April 21, 1969 is a distinct loss to the State of Alabama; and

WHEREAS Dr. Martin who was born in Plantersville, Alabama on March 2, 1902, the son of T. M. and Elizabeth Booth Martin, families long prominent in the history of this state was graduated from Vanderbilt University's School of Medicine in 1925, after having completed his pre-medical training at Auburn University. He interned at Charity Hospital in New Orleans and subsequently established his medical practice in Guntersville, Alabama where he maintained Martin Clinic; and

WHEREAS Dr. Martin was keenly interested in the economic and recreational development of his area and actively engaged in numerous civic endeavors for the betterment of his community. At the time of his death he was mayor of Guntersville, which office he had held for a total of sixteen years. He had been a member of the Marshall County Gas District Board for fourteen years and was president of the board at the time of his death; and

WHEREAS Dr. Martin who was a staunch supporter of Auburn University was appointed to the Board of Trustees of that institution in 1968. He was a life member of the Auburn Alumni Association and was a long time contributor to the Greater Auburn Fund, and

WHEREAS Dr. Martin's membership in numerous organizations evidence his wide interests and support of their aims. He was a member of the Southern Medical Association; a member of the Reserve Medical Corps for 25 years; and Elk and a member of the Jesters Club; A Mason, A Shriner and a lifetime contributor to the Crippled Children's Fund; He was a member of the Church of Christ; and

WHEREAS Dr. Martin leaves a host of friends and admirers who mourn his death and to whom he was a true friend as well as a dedicated public servant; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of Dr. Martin and extend our sincere sympathy to Mrs. Martin, to their son, Mr. Thomas E. Martin Jr.; and to their daughters, Mrs. Celia Norris Patrick, Miss Sara E. Martin and Mrs. Elizabeth M. Deininger.

RESOLVED FURTHER That a copy of this resolution be sent to the surviving members of Dr. Martin's family.

Approved May 14, 1969.

Time: 12:48 P.M.

Act No. 85

H.J.R. 38—Hill, Haygood

HOUSE JOINT RESOLUTION

WHEREAS the people and the legislature of the State of Alabama are justly proud of the strides made by our institutions of higher learning, and particularly the growth and advancement of Florence State College to University status; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That those parts of U. S. Highway 72 and U.S. Highway 72 alternate located within the State of Alabama be known as the Florence State University Highway. The State Highway Department is directed to cause appropriate signs and markers to be erected so designating said highways.

Approved May 14, 1969.

Time: 12:49 P.M.

Act No. 86 H.J.R. 40—Bank, Robertson, Culver, Brown
HOUSE JOINT RESOLUTION

WHEREAS Cecil T. Davis, of Holt, Alabama, has recently departed this life, and

WHEREAS Cecil T. Davis was a prominent businessman in the city of Holt, being in the grocery business in said community for many fruitful and productive years, and

WHEREAS his presence will be sorely missed by his family and his numerous friends throughout Tuscaloosa County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That this legislature does mourn the death of Cecil T. Davis, and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the family of Cecil T. Davis.

Approved May 14, 1969.

Time: 12:50

Act No. 87 H.J.R. 41—Bank, Robertson, Culver, Brown,
Hain

HOUSE JOINT RESOLUTION

WHEREAS the death of Claude Hinton Sr. of Tuscaloosa, Alabama, has brought sorrow to his family and to his many friends, not only in Tuscaloosa, but over the entire State of Alabama, and

WHEREAS Claude Hinton Sr. was widely known in business circles, being the owner of Delview Dairy, and

WHEREAS he will be long remembered as a prominent contributor to the economic growth and well being of Tuscaloosa County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we deplore the death of Claude Hinton, Sr. and that we extend our heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Hinton's family.

Approved May 14, 1969.

Time: 12:51 P.M.

Act No. 88

H.J.R. 43—Merrill, Lybrand, Burgess

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of State Highway 202 from 8th Street and Quintard Avenue in Anniston, Alabama, to the point of its intersection with U.S. Highway 78 be named, designated and known as the Albert P. Brewer Boulevard in honor of our esteemed Governor.

RESOLVED FURTHER That the highway department shall cause appropriate markers to be erected along the route of said boulevard so designating its name.

Approved May 14, 1969.

Time: 12:52 P.M.

Act No. 89

H.J.R. 45—Crawford

HOUSE JOINT RESOLUTION

WHEREAS Mr. L. O. Bryant has retired after twenty-four years of faithful service as principal of the Abbeville Junior High School; and

WHEREAS Mr. Bryant has rendered an inestimable contribution to the intellectual development and growth of the children of Abbeville and Henry County; and

WHEREAS the Legislature and the people of the State of Alabama are deeply proud and appreciative of Mr. Bryant's

devotion and dedication to the cause of education in this state;
now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the name of Abbeville Junior High School be changed forthwith to the "L. O. Bryant Junior High School."

RESOLVED FURTHER, that a copy of this resolution be sent to the Henry County Board of Education, and to Mr. and Mrs. L. O. Bryant.

Approved May 14, 1969.

Time: 12:53 P.M.

Act No. 90

H.J.R. 46—Watkins

HOUSE JOINT RESOLUTION

WHEREAS Mrs. Minnie Strain Anderson, widow of James Anderson a long time circuit clerk of Randolph County, recently passed away after a life time of devoted service to her family, church and community. Mrs. Anderson was greatly beloved by all who knew her, and she made the area in which she resided a better place to live because of her many kindnesses to others; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of Mrs. Anderson and extend our sincere sympathy to the surviving members of her family to whom copies of this resolution shall be sent.

Approved May 14, 1969.

Time: 12:54 P.M.

Act No. 91

H. 22—Mathews, Merrill, Pennington,
McDonald, Drake, Hill, Snell,
Manley, Fite, House, Holladay,
Cook (Coffee), McCorquodale,
Cook (Jefferson), Collins
(W), Laxson, Berryman (R),
Lemley, Agee, McElhaney,
Culver, Headley, Hain, Crane,
Hobbie, Bank, Starnes

AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1970 and September 30, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year, and the money appropriated therefore shall be expended only for such purposes, and the total amounts herein appropriated therefor shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of any items of personal property.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for each of the two fiscal years ending September 30, 1970, and September 30, 1971, respectively; and, except as may be otherwise expressly provided, the appropriations herein made in Section 3 to 46, inclusive, shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. DEPARTMENT OF EDUCATION:

A. For the Department of Education:

For the fiscal year ending
September 30, 1970:

For the salary of the State Superintendent	15,000.00	
For other salaries	525,328.00	
For other expenses	114,000.80	
For rental expense	81,715.20	
For equipment purchases	5,000.00	
For transfer to State Personnel Department	20,000.00	
Total		761,044.00

For the fiscal year ending
September 30, 1971:

For the salary of the State Superintendent	15,000.00	
For other salaries	548,661.00	
For other expenses	116,000.80	
For rental expense	81,715.20	
For equipment purchases	5,000.00	
For transfer to State Personnel Department	20,000.00	
Total		786,377.00

B. To the Department of Education
for Plans and Surveys:

For the fiscal year ending
September 30, 1970:

For salaries	29,890.00	
For other expenses	4,000.00	
For equipment purchases	600.00	
Total		34,490.00

For the fiscal year ending
September 30, 1971:

For salaries	31,638.00	
For other expenses	4,000.00	
Total		35,638.00

C. National Defense Education
Program:

For the fiscal year ending September 30, 1970	148,246.00
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For the fiscal year ending September 30, 1971	153,181.00
(The above appropriations to be expended for Title III and Title V A Programs exclusively.)	
D. Civil Defense Survival Plan:	
For salaries and other expenses only, in the operation of the Civil Defense Survival Plan.	
For the fiscal year ending September 30, 1970	10,528.00
For the fiscal year ending September 30, 1971	10,879.00
E. Coordination of In-School Television Program:	
For the fiscal year ending September 30, 1970:	
For salaries	36,500.00
For other expenses	10,000.00
For equipment purchases	3,500.00
Total	50,000.00
For the fiscal year ending September 30, 1971:	
For salaries	37,177.00
For other expenses	10,000.00
For equipment purchases	2,500.00
Total	49,677.00
F. For Adult Basic Education:	
To be used to match Federal funds for a removal of illiteracy program:	
For the fiscal year ending September 30, 1970	116,500.00
For the fiscal year ending September 30, 1971	120,378.00
G. For matching federal funds avail- able under the provisions of the Manpower Development Train- ing Act	100,000.00

Section 4. STATE BOARD OF EDUCATION:

A. Agricultural and Mechanical Institute at Normal, Alabama:

For the operation and maintenance of the Institute:

For the fiscal year ending September 30, 1970	2,339,452.00
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For the fiscal year ending September 30, 1971	2,417,325.00
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For capital outlay purposes:

For the fiscal year ending September 30, 1970	750,000.00
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(The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

B. Alabama State College:

For the operation and maintenance of the College at Montgomery:

For the fiscal year ending September 30, 1970	2,364,000.00
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For the fiscal year ending September 30, 1971	2,442,690.00
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For the fiscal year ending
September 30, 1971:

For capital outlay purposes	750,000.00
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(The above appropriation for the fiscal year ending September 30, 1971 for capital outlay purposes shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

C. State Mental Health Department:

For salaries, other expenses and equipment purchases necessary

to operate schools at Alabama
State Hospitals:

For the fiscal year ending
September 30, 1970 29,125.00

For the fiscal year ending
September 30, 1971 27,559.00

D. Civilian Rehabilitation:

For the fiscal year ending
September 30, 1970:

For the rehabilitation of handi-
capped individuals 1,977,726.00

For Governor's Committee on
Employment of Handicapped 10,000.00

Total 1,987,726.00

For the fiscal year ending
September 30, 1971:

For the rehabilitation of handi-
capped individuals 2,000,032.00

For the Governor's Committee on
Employment of Handicapped ... 10,000.00

Total 2,010,032.00

(No administrative costs included
herein.)

E. Elementary Teachers Scholarship
Fund 25,000.00

F. Free Textbooks:

For the fiscal year ending
September 30, 1970:

For salaries 34,260.00

For other expenses 30,810.00

For disbursements to Local
Boards 25,000.00

For the purchase of free text-
books 1,666,382.00

Total 1,756,452.00

For the fiscal year ending
September 30, 1971:

For salaries	35,914.00	
For other expenses	30,610.00	
For disbursements to Local Boards	25,000.00	
For the purchase of free text- books	1,652,984.00	
	<hr/>	
Total		1,744,508.00

G. Junior College Equalization
Account:

For the operation and mainten-
ance of the Junior Colleges
listed below, to be distributed
on a formula adopted by the
State Board of Education:

For the fiscal year ending September 30, 1970	9,360,724.00
For the fiscal year ending September 30, 1971	9,541,732.00

(The above appropriation is to be
distributed to the following
Junior Colleges: (1) Alexander
City; (2) Enterprise; (3) Gads-
den State; (4) George C. Wal-
lace; (5) Jefferson Davis; (6)
Jefferson State; (7) John C.
Calhoun; (8) Mobile; (9)
Northeast Alabama; (10)
Northwest Alabama; (11)
Patrick Henry; (12) Southern
Union College; (13) Wenonah;
(14) William Lowndes Yancey;
(15) Fayette; (16) Lurleen B.
Wallace; (17) Snead.)

H. Minimum Program Fund:

In addition to all other funds appropriated for the public
elementary and high schools of the State, there is hereby
appropriated to the State Board of Education for the fiscal year
ending September 30, 1970, the sum of \$201, 230, 264.00 and for

the fiscal year ending September 30, 1971, the sum of \$207, 899, 362.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided that so much thereof as may be necessary of the above appropriations for each year shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year; provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all moneys earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than one-hundred (100) additional teacher units for the program for educable exceptional children.

It is provided that beginning with the fiscal year 1969-70, that in addition to the salary now received, all teachers under the Minimum Program shall receive a salary increase as follows: Rank I teachers not less than eight hundred twelve dollars (\$812.00) per annum; Rank II teachers not less than seven hundred dollars (\$700.00) per annum; Rank III teachers not less than five hundred sixty-five dollars (\$565.00) per annum; Rank IV teachers not less than four hundred seventy seven dollars (\$477.00) per annum; and Rank V teachers not less than four hundred ten dollars (\$410.00) per annum, and any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. Said County or City school board shall not pay the

aforementioned raise to any teacher who participates in, encourages or condones any mass truancy even for a single day, or any extra-curricular demonstration which is not approved by the City, County or State Board of Education and said teacher shall forfeit the aforementioned increase for that particular year. The State Board of Education may review the action of any System, City or County and require the forfeiture and may withhold said amount from appropriation to the said City or County school board and said teacher or may review and direct payment to said teacher. It is further provided, that beginning with the fiscal year 1969-70, that in addition to the salary now received, all school bus drivers shall receive a salary increase of not less than twelve and nine tenths per centum (12.9%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is the intent of the legislature that of the appropriations to the Minimum Program Fund for the fiscal year ending September 30, 1971, an amount equal to an average of \$525.00 per teacher unit earned in average daily attendance shall be allocated by the respective local boards of education for teachers in the respective local systems which local boards shall determine to be deserving, based upon the following considerations: Rank and certificate held by each such teacher; additional education in addition to the degree held; in-service training; and other criteria as may be established by the local board.

On or before January 1, 1971, each local board shall report in writing to the State Superintendent of Education, Legislative Council and the Governor on the manner on which the foregoing has been implemented.

I. Minimum Program Account:
Trainable Retarded Children

For the fiscal year ending
September 30, 1970:

For salaries	32,899.00
For other expenses	5,645.00
For distribution to Local Boards	328,130.00
For equipment purchases	4,600.00

Total	371,274.00
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For the fiscal year ending
September 30, 1971:

For salaries	35,597.00
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For other expenses	6,108.00
For distribution to Local Boards	341,927.00
Total	388,632.00

The appropriation hereinabove made for salaries and other expenses shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation hereinabove made for disbursement to local boards shall be used for the education and training of trainable retarded children and shall include the operation and maintenance of classrooms, classes, transportation of trainable retarded pupils where justified, and compensation of teachers in accordance with Act No. 67, approved June 27, 1963, in accordance with the regulations of the State Board of Education and in accordance with Act No. 249, approved August 16, 1955. Allocations from this appropriation shall be in addition to all other allocations from the Minimum Program Fund for Trainable Retarded Children.

J. State Mental Health Department:

For salaries, other expenses
and equipment purchases
necessary to operate a school
at Partlow State School:

For the fiscal year ending September 30, 1970	225,523.00
For the fiscal year ending September 30, 1971	233,030.00

K. Physical Restoration of
Crippled Children:

Handicapped Individuals:

For the fiscal year ending September 30, 1970	1,372,600.00
For the fiscal year ending September 30, 1971	1,409,584.00

L. Regional Education:

For the fiscal year ending September 30, 1970	220,000.00
For the fiscal year ending September 30, 1971	100,000.00

M. Vocational Education:

For the fiscal year ending
September 30, 1970:

For salaries	44,754.00	
For other expenses	27,054.00	
For rental expense	7,500.00	
For equipment purchases	1,500.00	
Disbursements to Local Boards and Institutions	10,685,586.00	
Total		10,766,394.00

For the fiscal year ending
September 30, 1971:

For salaries	48,424.00	
For other expenses	29,272.00	
For rental expense	7,500.00	
For equipment purchases	1,500.00	
Disbursements to Local Boards and Institutions	10,951,023.00	
Total		11,037,719.00

Vocational teachers shall receive a minimum increase of 12.9% for the fiscal year ending September 30, 1970 and 8.2% for the fiscal year ending September 30, 1971 of their present annual salaries and any increments earned under the existing reimbursable salary schedule for vocational teachers.

**N. State Vocational Technical School
Equalization Account:**

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education:

For the fiscal year ending September 30, 1970	9,050,529.00
For the fiscal year ending September 30, 1971	9,264,739.00

The above appropriation is to be distributed to the following Vocational Technical

Schools: (1) Alabama Institute of Aviation Technology; (2) Alabama School of Trades; (3) Bessemer; (4) Carver; (5) George C. Wallace, Cullman; (6) George C. Wallace, Napier Field; (7) Chauncey Sparks; (8) Council Trenholm; (9) Douglas MacArthur; (10) Ed E. Reid; (11) Gadsden; (12) Harry M. Ayers; (13) J. F. Drake; (14) John C. Calhoun; (15) John M. Patterson; (16) Muscle Shoals; (17) N. F. Nunnolley; (18) Northwest Alabama; (19) Opelika; (20) Richmond P. Hobson; (21) Shelton; (22) Southwest; (23) Tuscaloosa; (24) Walker County; (25) Wenonah; (26) William R. King.

O. J. F. Ingram Vocational Technical School:

For the operation and maintenance of a Vocational Technical School:

For the fiscal year ending September 30, 1970	147,081.00
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For the fiscal year ending September 30, 1971	151,976.00
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P. For Driver Education	300,000.00
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(The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

Section 5. BOARD OF TRUSTEES OF ALABAMA BOYS' INDUSTRIAL SCHOOL:

For the operation and maintenance of the Alabama Boys' Industrial School:

For the fiscal year ending September 30, 1970	515,384.00
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For the fiscal year ending September 30, 1971	532,539.00
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Section 6. BOARD OF TRUSTEES OF ALABAMA COLLEGE:

For the operation and maintenance of the
College:

For the fiscal year ending September 30, 1970	1,825,562.00
For the fiscal year ending September 30, 1971	1,886,329.00

The appropriations set out below are conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor, and for the fiscal years stated below:

For construction of a resident, educational therapy building to serve aphasic children and children with speech and hearing difficulties and to train teachers for such children:

For the fiscal year ending September 30, 1970	150,000.00
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For the operation and maintenance of the
named school for aphasic children

For the fiscal year ending September 30, 1970	50,000.00
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For the fiscal year ending September 30, 1971	50,000.00
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(The \$50,000.00 above shall be used each year for the operation and maintenance of a resident educational therapy building for aphasic children and children having speech and hearing difficulties.)

Section 7. ALABAMA EDUCATIONAL TELEVISION COMMISSION:

For the fiscal year ending
September 30, 1970:

For salaries	391,662.00
For other expenses	355,728.00
For equipment purchases	104,860.00
For programming	200,000.00

Total	1,052,250.00
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For the fiscal year ending
September 30, 1971:

For salaries	416,313.00
For other expenses	352,606.00
For equipment purchases	100,000.00
For programming	200,000.00

Total	1,068,919.00
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Section 8. BOARD OF TRUSTEES OF
ALABAMA INDUSTRIAL
SCHOOL AT MT. MEIGS,
ALA:

For operation and maintenance of the
Alabama Industrial School at Mt. Meigs,
Ala.

For the fiscal year ending September 30, 1970	389,909.00
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For the fiscal year ending September 30, 1971	402,888.00
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Section 9. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE
FOR DEAF AND BLIND:

(a) For operation and maintenance of the
school:

For the fiscal year ending September 30, 1970	1,609,281.00
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For the fiscal year ending September 30, 1971	1,666,376.00
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(b) For salaries and expenses incident to
instruction of Adult Blind and for
operation of the Trade School at the
Institute:

For the fiscal year ending September 30, 1970	372,555.00
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For the fiscal year ending September 30, 1971	384,956.00
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Section 10. BOARD OF TRUSTEES OF
AUBURN UNIVERSITY

A. The College:

For the fiscal year ending
September 30, 1970:

(1) For operation and maintenance	11,858,110.00
(2) Engineering Experiment Station	206,784.00
(3) Television Education	224,853.00
(4) For Development of Graduate Studies ...	500,000.00

(The above appropriation in sub subsection (4) shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

For the fiscal year ending
September 30, 1971:

(1) For operation and maintenance	12,252,828.00
(2) Engineering Experiment Station	213,667.00
(3) Television Education	232,337.00
(4) For Development of Graduate Studies ...	500,000.00

(The above appropriation in sub subsection (4) shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

B. Extension Work for Agriculture and Home Economics:

For the fiscal year ending
September 30, 1970:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services	2,931,491.00
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For Rural Resources Development Program	198,000.00
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For the fiscal year ending
September 30, 1971:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services	3,029,071.00
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For Rural Resources Development Program	195,870.00
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The appropriation herein made for the Extension Service shall be expended under the direction of the Board of Trustees of Auburn University through its Extension Service and shall

be done in such manner as to make available the maximum amounts of aid from the Federal government.

C. Agriculture Research:

For the fiscal year ending
September 30, 1970:

- | | |
|---|--------------|
| (1) Alabama Agricultural Experiment Station at Auburn, for work and experimentation | 1,992,784.00 |
| (2) Co-operative research at the Agricultural and Experimental Substations | 749,055.00 |

For the fiscal year ending
September 30, 1971:

- | | |
|---|--------------|
| (1) Alabama Agricultural Experiment Station at Auburn, for work and experimentation | 2,059,117.00 |
| (2) Co-operative research at the Agricultural and Experimental Substation | 773,989.00 |

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (C) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for each of the fiscal years ending September 30, 1970 and September 30, 1971.

The funds provided in this sub-section (C) shall be used for the support of researches, experiments, and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production, marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease, and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising

from the waste of land due to soil erosion, for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing, livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc. in order that the citizens of Alabama may be acquainted with the results of said research.

D. Auburn University — Montgomery, Alabama

For operation and maintenance:

For the fiscal year ending September 30, 1970	1,000,000.00
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For the fiscal year ending September 30, 1971	1,135,480.00
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Section 11. MEDICAL SCHOLARSHIPS
BOARD:

For Medical Scholarships at the University of Alabama Medical School. To be expended under the provisions of Act No. 278, 1965, 1st Special Session	135,000.00
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Section 12. BOARD OF DENTAL
SCHOLARSHIP AWARDS:

For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the Council on Dental Education of the American Dental Association. To be expended under the provisions of Act No. 793, 1965 Regular Session	83,000.00
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Section 13. BOARD OF CONTROL OF
THE TEACHERS' RETIRE-
MENT SYSTEM:

For the fiscal year ending
September 30, 1970:

For the Teachers' Retirement System, Estimated	23,473,000.00
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For the fiscal year ending
September 30, 1971:

For the Teachers' Retirement System, Estimated	24,392,948.00
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The above appropriations shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

For the Teachers' Special Pension Fund:

For the fiscal year ending September 30, 1970	1,453,500.00
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For the fiscal year ending September 30, 1971	1,091,480.00
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Section 14. BOARD OF TRUSTEES OF
THE STATE TRAINING
SCHOOL FOR GIRLS:

For the operation and maintenance of the
State Training School for Girls

For the fiscal year ending September 30, 1970	311,973.00
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For the fiscal year ending September 30, 1971	321,526.00
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Section 15. BOARD OF TRUSTEES OF
THE UNIVERSITY OF
ALABAMA:

For the fiscal year ending
September 30, 1970:

A. The University:

(1) For operation and maintenance	11,721,235.00
(2) For School of Nursing	332,116.00
(3) For State Scholarship Program For students in School of Nursing under the provisions of Act No. 591 Regular Session 1957	13,400.00

(4) For a loan fund for Student Nurses	10,000.00
(5) For Huntsville Branch	2,191,033.00
(6) For public service, research and extension and conferences	845,372.00
(7) For the College of General Studies—Birmingham	2,430,227.00
(8) Emotionally Disturbed Children's Center	200,000.00
(9) For the School of Library Science	81,000.00

(The above appropriations in Sub-Sections (8) and (9) shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

(10) For Development of Graduate Studies	500,000.00
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(The above appropriation in sub subsection (10) shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

B. The University of Alabama Medical Center :

(1) For the Medical College: For Maintenance and Operation	3,339,540.00
(2) For University Hospital: For the support of interns, residents, operation of the Hospital School of Nursing and other technical schools and for indigent care	1,513,404.00
(3) For the School of Dentistry: For Maintenance and Operation	1,778,530.00
(4) For the School of Optometry: For operation and Maintenance	200,000.00
(5) For the School of Dyslexia	25,000.00
(6) For the Construction and Equipping of a Diabetes Hospital	500,000.00

(The above appropriations in sub-sections (5) and (6) shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

For the fiscal year ending
September 30, 1971:

A. The University:

(1) For operation and maintenance of the University	12,132,530.00
(2) For School of Nursing	343,170.00
(3) For State Scholarship Program For Students in School of Nursing under the provisions of Act No. 591, Regular Session 1957	12,680.00
(4) For a loan fund for student nurses	11,355.00
(5) For Huntsville Branch	2,242,202.00
(6) For public service, research and ex- tension and conferences	873,511.00
(7) For the College of General Studies— Birmingham	2,432,773.00
(8) Emotionally Disturbed Children's Center	200,000.00
(9) For the School of Library Science	183,000.00

(The above appropriations in sub-
subsections (8) and (9) shall be con-
ditional upon the condition of the
Alabama Special Educational Trust
Fund and with the approval of the
Governor.)

(10) For Development of Graduate Studies (The above appropriation in sub sub- section (10) shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)	500,000.00
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B. The University of Alabama Medical Center:

(1) For the Medical College: For Maintenance and Operation	3,442,149.00
(2) For University Hospital: For the support of interns, residents, operation of the Hospital School of Nursing and other technical schools and for indigent care	1,563,780.00
(3) For the School of Dentistry: For Maintenance and Operation	1,837,732.00
(4) For the School of Optometry: For operation and maintenance	300,000.00
(5) For the School of Dyslexia	25,000.00

(The above appropriation in sub-sub-
section (5) shall be conditional upon

the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

The above appropriations for the Alabama Medical Center hall be expended pursuant to the provisions of Act No. 89, 1943 Acts, page 89, and Act No. 207, Section 9, 1945 Acts page 325.

**Section 16. BOARD OF TRUSTEES OF
THE UNIVERSITY OF
SOUTH ALABAMA:**

(a) For operation and maintenance of the University:

For the fiscal year ending September 30, 1970	3,650,125.00
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For the fiscal year ending September 30, 1971	3,771,625.00
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(b) For operation and maintenance of the University	300,000.00
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(The above appropriations shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

**Section 17. BOARD OF TRUSTEES OF
FLORENCE STATE
UNIVERSITY:**

For operation and maintenance of the University:

For the fiscal year ending September 30, 1970	1,970,966.00
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For the fiscal year ending September 30, 1971	2,039,071.00
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**Section 18. BOARD OF TRUSTEES OF
JACKSONVILLE STATE
UNIVERSITY:**

For operation and maintenance of the University:

For the fiscal year ending September 30, 1970	3,123,569.00
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For the fiscal year ending September 30, 1971	3,227,734.00
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For operation, maintenance and Capital Outlay of the Nursing School	250,000.00
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Section 19. BOARD OF TRUSTEES OF
LIVINGSTON STATE
UNIVERSITY:

For operation and maintenance of the Uni-
versity:

For the fiscal year ending

September 30, 1970	1,071,934.00
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For the fiscal year ending

September 30, 1971	1,111,474.00
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For the fiscal year ending

September 30, 1970: For capital outlay purposes only	250,000.00
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(The above appropriation is conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.) Provided that the above appropriation shall be expended for construction on the campus of Livingston State University and shall be used for providing hospital and medical facilities to the students and faculty of the University only.

Section 20. BOARD OF TRUSTEES OF
TROY STATE UNIVERSITY:

For operation and maintenance of the Uni-
versity:

For the fiscal year ending September 30, 1970	1,964,051.00
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For the fiscal year ending September 30, 1971	2,031,461.00
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For operation, maintenance and Capital Out- lay of a School of Nursing	200,000.00
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(The above appropriation shall be condi-
tional upon the condition of the Alabama

Special Educational Trust Fund and with the approval of the Governor.)

Section 21. STATE TENURE COMMISSION:

For expense of operation 2,000.00

Section 22. MOBILE GENERAL HOSPITAL:

- (a) Medical and Nursing Education:
For the operation and maintenance 370,000.00
- (b) Medical and Nursing Education:
For the operation and maintenance 200,000.00

(The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

It is provided that the above appropriation shall be used for medical education at the Mobile General Hospital and such appropriation shall be disbursed under the direction and control of the board of trustees of the University of South Alabama.

Section 23. SYLACAUGA NURSES TRAINING SCHOOL:

For the operation and maintenance of the
Nurses training school at Sylacauga 40,000.00

Section 24. DEBT SERVICE:

- (1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX,
- For the fiscal year ending
September 30, 1970 306,095.00
- For the fiscal year ending
September 30, 1971 303,970.00
- (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX,
- For the fiscal year ending
September 30, 1970 306,095.00

For the fiscal year ending September 30, 1971	303,970.00
(3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII,	
For the fiscal year ending September 30, 1970	191,943.75
For the fiscal year ending September 30, 1971	193,300.00
(4) Interest on Endowments:	
For interest on Alabama College Endowment, Estimated	40,000.00
For interest on Auburn University Endowment	20,280.00
For interest on University of Alabama Endowment	61,000.00
For interest on Grove Hill Endowment	600.00
For interest on Public School Fund Endowment:	
Interest on 16th Section lands Estimated	265,000.00
Interest on School Indemnity	52,135.81
Interest on Valueless 16th section lands	5,825.47
Interest on surplus revenue	26,763.47
Interest on James Wallace Fund	275.25
Total	471,880.00
Section 25. SOCIAL SECURITY:	
For State's share of Social Security,	
For the fiscal year ending September 30, 1970, estimated	13,643,000.00
For the fiscal year ending September 30, 1971, estimated	14,604,165.00

**Section 26. VETERANS EDUCATION
BENEFITS:**

For reimbursement to every Alabama State institution of higher learning, college, university, or Alabama State Trade School or Junior College, in which benefits are given to Veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session, Estimated 400,000.00

**Section 27. EDUCATION OF DEPEND-
ENTS OF BLIND PARENTS:**

For reimbursement to every Alabama State institution of higher learning, college, university, or Alabama State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated 5,250.00

**Section 28. ALABAMA TRADE SCHOOL
AND JUNIOR COLLEGE
AUTHORITY:**

(a) For the fiscal year ending
September 30, 1970:

For Capital Outlay Purposes 1,000,000.00

(b) For the fiscal year ending
September 30, 1970:

For Capital Outlay Purposes 2,000,000.00

For the fiscal year ending
September 30, 1971:

For Capital Outlay Purposes 3,000,000.00

(The above appropriations in sub-
section (b) above shall be conditioned
upon the condition of the Alabama
Special Educational Trust Fund and
with the approval of the Governor.)

**Section 28A. GENEVA COUNTY
BOARD OF EDUCATION:**

For the fiscal year ending
September 30, 1970:

For the construction of a school at Hartford 150,000.00

(The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

Section 28B. ELBA CITY BOARD OF EDUCATION:

For the fiscal year ending
September 30, 1970:

For the construction of a school at Elba 160,000.00

(The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

Section 28C. ETOWAH COUNTY BOARD OF EDUCATION:

For the fiscal year ending
September 30, 1970:

For the construction of a school at Altoona 400,000.00

(The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

SECTION 28D. WILCOX COUNTY BOARD OF EDUCATION:

For the fiscal year ending
September 30, 1970:

For the construction of a School at Camden
(Wilcox County High School) 180,000.00

For the fiscal year ending
September 30, 1971:

For the construction of a School—Camden
Academy 180,000.00

(The above appropriations shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

Section 28E. EVERY SCHOOL BOARD
WITHIN THE STATE OF
OF ALABAMA:

For the fiscal year ending
September 30, 1970:

For capital outlay for every school board within the State of Alabama	100,000.00
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(The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

Section 28F. MORGAN COUNTY
BOARD OF EDUCATION:

For the fiscal year ending
September 30, 1971:

For the construction of a High School at Florette in Morgan County to be named the Albert P. Brewer High School	200,000.00
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(The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

Section 28G. FAYETTE COUNTY
BOARD OF EDUCATION:

For the fiscal year ending
September 30, 1970:

For the construction of a high school at Fayette	400,000.00
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(The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

Section 28H. FRANKLIN COUNTY
BOARD OF EDUCATION:

For the fiscal year ending
September 30, 1970:

For the reconstruction of Union Junior High School	145,000.00
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(The above appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.)

Section 28I. The appropriations set out below in this section are conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor, and are for each of the fiscal years ending September 30, 1970 and September 30, 1971:

BOARD OF TRUSTEES OF FLORENCE STATE UNIVERSITY	121,200.00
BOARD OF TRUSTEES OF JACKSON- VILLE STATE UNIVERSITY	192,100.00
BOARD OF TRUSTEES OF LIVING- STON UNIVERSITY	65,900.00
BOARD OF TRUSTEES OF TROY STATE UNIVERSITY	120,800.00

Section 29. The appropriations set out below, in Sections 29 through 46, inclusive, are conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor, and are for the fiscal year ending September 30, 1971 only.

Section 30. DEPARTMENT OF
EDUCATION

A. For the Department of Edu-
cation:

For other salaries	42,683.00	
For other expenses	2,000.00	
Total		44,683.00

B. To the Department of Education
for Plans and Surveys:

For salaries	1,825.00	
For other expenses	200.00	
Total		2,025.00

C. National Defense Education Pro-
gram 8,704.00

(The above appropriation to be ex-
pended for Title III and Title
VA Programs exclusively.)

D. Civil Defense Survival Plan:

For salaries and other expenses only, in the operation of the Civil Defense Survival Plan	618.00
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E. Coordination of In-School Television Program:

For salaries	2,323.00
For other expenses	500.00

Total	2,823.00
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F. For Adult Basic Education:

To be used to match Federal funds for a removal of illiteracy program	6,840.00
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Section 31. STATE BOARD OF EDUCATION:

A. Agricultural and Mechanical Institute at Normal, Alabama:

For the operation and maintenance of the Institute	137,357.00
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B. Alabama State College:

For the operation and maintenance of the College at Montgomery	138,798.00
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C. State Mental Health Department:

For salaries, other expenses and equipment purchases necessary to operate schools at Alabama State Hospitals	1,566.00
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D. Civilian Rehabilitation:

For the rehabilitation of handicapped individuals	113,645.00
(No administrative costs included herein.)	

E. Free Textbooks:

For the purchase of free textbooks	127,537.00
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F. Junior College Equalization Account:

For the operation and maintenance of the Junior Colleges listed below, to be distri-	
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buted on a formula adopted by the State Board of Education	542,179.00
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(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City; (2) Enterprise; (3) Gadsden State; (4) George C. Wallace; (5) Jefferson Davis; (6) Jefferson State; (7) John C. Calhoun; (8) Mobile; (9) Northeast Alabama; (10) Northwest Alabama; (11) Patrick Henry; (12) Southern Union College; (13) Wenonah; (14) William Lowndes Yancey; (15) Fayette; (16) Lurleen B. Wallace; (17) Snead.)

G. Minimum Program Fund:

In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education the sum of \$11,813,221.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided that so much thereof as may be necessary of the above appropriations for each year shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year; provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education, shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all moneys earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which

may be designated by the Legislature as a part of the Minimum Program Fund.

**H. Minimum Program Account:
Trainable Retarded Children**

For salaries	3,000.00
For distribution to Local Boards	18,799.00
Total	21,799.00

The appropriation hereinabove made for salaries and other expenses shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation hereinabove made for disbursement to local boards shall be used for the education and training of trainable retarded children and shall include the operation and maintenance of classrooms, classes, transportation of trainable retarded pupils where justified, and compensation of teachers in accordance with Act No. 67, approved June 27, 1963, in accordance with the regulations of the State Board of Education and in accordance with Act No. 249, approved August 16, 1955. Allocations from this appropriation shall be in addition to all other allocations from the Minimum Program Fund for Trainable Retarded Children.

I. State Mental Health Department:

For salaries, other expenses and equipment purchases necessary to operate a school at Partlow State School	13,241.00
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J. Physical Restoration of Crippled Children:

Handicapped Individuals	80,095.00
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K. Vocational Education:

Disbursements to Local Boards and Institutions	627,183.00
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L. State Vocational Technical School Equalization Account:

For the operations and maintenance of the Vocational Technical Schools listed below to be distributed in accordance with a formula adopted by the State Board of Education	526,439.00
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The above appropriation is to be distributed to the following Vocational Technical

Schools: (1) Alabama Institute of Aviation Technology; (2) Alabama School of Trades; (3) Bessemer; (4) Carver; (5) George C. Wallace, Cullman; (6) George C. Wallace, Napier Field; (7) Chauncey Sparks; (8) Council Trenholm; (9) Douglas MacArthur; (10) Ed E. Reid; (11) Gadsden; (12) Harry M. Ayers; (13) J. F. Drake; (14) John C. Calhoun; (15) John M. Patterson; (16) Muscle Shoals; (17) N. F. Nunnolley; (18) Northwest Alabama; (19) Opelika; (20) Richmond P. Hobson; (21) Shelton; (22) Southwest; (23) Tuscaloosa; (24) Walker County; (25) Wenonah; (26) William R. King.

M. J. F. Ingram Vocational Technical School:

For the operation and maintenance of a Vocational Technical School	8,636.00
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Section 32. BOARD OF TRUSTEES OF ALABAMA BOYS' INDUSTRIAL SCHOOL:

For the operation and maintenance of the Alabama Boys' Industrial School	30,260.00
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Section 33. BOARD OF TRUSTEES OF ALABAMA COLLEGE:

For the operation and maintenance of the College	107,185.00
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Section 34. ALABAMA EDUCATIONAL TELEVISION COMMISSION:

For salaries	5,000.00
For other expenses	6,738.00
For programming	50,000.00

Total	61,738.00
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Section 35. BOARD OF TRUSTEES OF ALABAMA INDUSTRIAL SCHOOL AT MT. MEIGS, ALABAMA:

For operation and maintenance of the Alabama Industrial School at Mt. Meigs, Alabama	22,893.00
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Section 36. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE
FOR DEAF AND BLIND:

(a) For operation and maintenance of the school	90,959.00
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(b) For salaries and expenses incident to instruction of Adult Blind and for operation of the Trade School at the Institute	21,874.00
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Section 37. BOARD OF TRUSTEES OF
AUBURN UNIVERSITY:

A. The College:

(1) For operation and maintenance	696,228.00
(2) Engineering Experiment Station	12,141.00
(3) Television Education	13,202.00

B. Extension Work for Agriculture and Home Economics:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services	172,117.00
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For Rural Resources Development Program	11,130.00
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The appropriation herein made for the Extension Service shall be expended under the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

C. Agriculture Research:

(1) Alabama Agricultural Experiment Station at Auburn, for work and experimentation	117,030.00
(2) Co-operative research at the Agricultural and Experimental Substations	43,979.00

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (C) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn Uni-

versity, who shall make a complete report to the Board of Trustees of Auburn University for each of the fiscal years ending September 30, 1970 and September 30, 1971.

The funds provided in this sub-section (C) shall be used for the support of researches, experiments, and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production, marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease, and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing, livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

D. Auburn University — Montgomery

For operation and Maintenance	64,520.00
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Section 38. BOARD OF CONTROL OF
THE TEACHERS' RETIRE-
MENT SYSTEM:

For the Teachers' Retirement System, Estimated	1,386,052.00
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For the Teachers' Special Pension Fund	62,020.00
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The above appropriations shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

Section 39. BOARD OF TRUSTEES OF
THE STATE TRAINING
SCHOOL FOR GIRLS:

For the operation and maintenance of the State Training School for Girls	16,849.00
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Section 40. BOARD OF TRUSTEES OF
THE UNIVERSITY OF
ALABAMA:

A. The University:

(1) For operation and maintenance of the University	667,059.00
(2) For School of Nursing	19,500.00
(3) For State Scholarship Program For students in School of Nursing under the provisions of Act No. 591, Regular Session 1957	720.00
(4) For a loan fund for Student Nurses	645.00
(5) For Huntsville Branch	127,406.00
(6) For Public Service, Research and Ex- tension and Conferences	49,635.00
(7) For the College of General Studies— Birmingham	138,235.00

B. The University of Alabama Medical Center:

(1) For the Medical College: For Maintenance and Operation	181,628.00
(2) For University Hospital: For the support of interns, residents, operation of the Hospital School of Nursing and other technical schools and for indigent care	88,857.00
(3) For the School of Dentistry: For Maintenance and Operation	104,423.00
(4) For the School of Optometry: For operation and maintenance	8,065.00

The above appropriations for the Alabama Medical Center shall be expended pursuant to the provisions of Act No. 89, 1943 Acts, page 89, and Act No. 207, Section 9, 1945 Acts, page 325.

Section 41. BOARD OF TRUSTEES OF
THE UNIVERSITY OF
SOUTH ALABAMA:

For operation and maintenance of the University 214,311.00

Section 42. SOCIAL SECURITY:

For State's share of Social Security 829,835.00

Section 43. BOARD OF TRUSTEES OF
FLORENCE STATE
UNIVERSITY:

For operation and maintenance 102,073.00

Section 44. BOARD OF TRUSTEES OF
JACKSONVILLE STATE
UNIVERSITY:

For operation and maintenance 165,531.00

Section 45. BOARD OF TRUSTEES OF
LIVINGSTON STATE
UNIVERSITY:

For operation and maintenance 53,013.00

Section 46. BOARD OF TRUSTEES OF
TROY STATE UNIVERSITY:

For operation and maintenance 102,171.00

Section 47. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, upon the approval by the Governor, shall issue his warrant therefor; provided, that all appropriations and funds made available to the Alabama College, the University of Alabama, the University of South Alabama, Auburn University, the Institute for the Deaf and Blind, the Boys' Industrial School, the Alabama Industrial School at Mt. Meigs, Alabama, the State Training School for Girls, the Alabama Educational Television Commission, Teachers Retirement System, Florence State University, Jacksonville State University, Livingston State University, Troy State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 48. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 49. This Act shall become effective October 1, 1969.

Approved May 14, 1969.

Time: 2:10 P.M.

Act No. 92

H. 2—Owen (Baldwin), Brannan

AN ACT

TO AMEND SECTION 67 OF TITLE 52, CODE OF ALABAMA 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 67 of Title 52, Code of Alabama 1940 be and the same is hereby amended to read as follows:

“Section 67. Regular Meetings.—The County Board of Education shall hold an annual meeting each year on the third Tuesday in November. At this meeting the board shall elect each year one of its members to serve as president and one to serve as vice president. Other regular meetings shall be held on the last Friday of February, May and September, and such special meetings may be held, at such place as the duties and the business of the board may require. The rules generally adopted by deliberative bodies for their government shall be observed by the County Board of Education. No motion or resolution shall be declared adopted without the concurrence of the majority of the whole board.”

Section 2. This Act shall become effective October 1, 1969.

Approved May 12, 1969.

Time: 2:45 P.M.

Act No. 93

H. 3—Lemley

AN ACT

Relating to Blount County; providing for and requiring the county governing body to provide for emergency ambulance service within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the duty of the court of county commissioners, board of revenue, or other like governing body of Blount County to provide for, or cause to be provided by the county's public hospital, emergency ambulance service to protect the health, welfare and safety of residents of the county and other persons traveling within the county, and to appropriate county funds for such purpose when necessary. The county governing body may authorize the agency providing ambulance service to charge and collect reasonable fees for services rendered, and may, if amount of fees collected are insufficient to pay the cost of providing service, make up any deficit by appropriations from county taxes levied for public hospital purposes. Provided, however, that the funds used from the hospital tax for this ambulance service, this service must be operated by the Blount County Hospital Board through Blount Memorial Hospital located in Oneonta, Alabama.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or part of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 2:46 P.M.

Act No. 94

H. 4—Lemley

AN ACT

Relating to Blount County; changing the method of compensating the Sheriff of said county; placing such officer on a salary; and providing for their assistants, and the office space, supplies, equipment, automobiles, and material necessary for the conduct of such office.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Blount County shall receive the following annual salaries in lieu of all other compensation:

(a) Sheriff, \$12,000.00; Chief Deputy, \$6,300.00; 3 Deputies, \$6,000.00 each; Clerk \$4,500.00; Jailer, \$5,100.00.

Only fees on illicit whiskey go to the Sheriff—balance to County General Fund.

Section 2. The Court of county commissioners, board of revenue or like governing body of Blount County shall provide compensation for the officers enumerated in Section 1 of this Act in such number as may be necessary for the efficient conduct of their offices. Temporary clerks or assistants may be allowed any of such officers from time to time as deemed necessary by the County governing body. The Sheriff shall select his own deputies and Clerk and Jailer and Chief Deputy, and shall fix their compensation, payable from the above allowances, but at no time shall exceed amounts set out in Section 1.

Section 3. All fees, commissions, percentages, allowances, charges, and costs heretofore collected for the use of the Sheriff enumerated in prior laws or acts shall be collected for the use of Blount County, except fees on illicit whiskey go to the Sheriff, and shall be paid into the general fund of the county. The compensation of the officers enumerated in Section 1 of this Act and of their Clerks, deputies, and jailer shall be paid in equal monthly installments from the general fund of the county in the same manner as employees of the county are paid.

Section 4. The Court of County Commissioners, board of revenue or like governing body of Blount County shall provide the Sheriff with the offices, books, stationery, office equipment, supplies, postage, telephone service, radio service, and other conveniences and equipment as may be necessary for the proper and efficient conduct of his office. The Sheriff shall be provided with automobiles and equipment, at his choosing, along with fuel, maintenance and liability insurance for the same, so as to promote safety and efficiency of his department.

Section 5. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately or upon the adoption of an amendment to the Constitution of Alabama authorizing the Legislature to fix, alter, and regulate the fees, commission, percentage, allowances or salary of, and the method of compensation for the Sheriff of Blount County or the sheriff of all the counties of Alabama.

Section 8. And this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 14, 1969.

Time: 2:47 P.M.

Act No. 95

H. 17—McCorquodale, Agee

AN ACT

To further amend Section 2 of Act No. 64 approved April 13, 1955, which said Section 2 was amended by Act No. 381 approved November 6, 1959, which said Act No. 64 was entitled "An act relating to Clarke County, creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary and manner of payment of the salary of said Special Deputy."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 64, approved April 13, 1955 entitled "An Act relating to Clarke County, creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary and manner of payment of the salary of said Special Deputy," as amended by act approved November 6, 1959, is further amended to read as follows:

"The Special Deputy Sheriff provided for by this act shall be paid a monthly salary which shall be fixed by the governing body of Clarke County at such amount as shall be deemed appropriate by such governing body. The governing body of Clarke County is hereby authorized and directed to draw warrants each month on the county treasury in favor of the special deputy sheriff for the preceding month's work, on the certification of the sheriff that such work has been performed, in the amount fixed by said governing body as hereinabove prescribed, which warrants shall be paid either from the General Fund or from the Fine and Forfeiture Fund of the County, as said governing body may from time to time direct. All payments of salary heretofore made to such Special Deputy Sheriff are hereby validated."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 14, 1969.

Time: 2:48 P.M.

Act No. 96

H. 18—McCorquodale, Agee

AN ACT

To amend Section 2 of Act No. 380 approved November 6, 1959, entitled "An act relating to Clarke County; creating the office of Second Special Deputy Sheriff; and providing for the appointment, duties, salary and manner of payment of the salary of such Second Special Deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 380 approved November 6, 1959 entitled "An Act relating to Clarke County; creating the office of Second Special Deputy Sheriff; and providing for the appointment, duties, salary and manner of payment of the salary of such Second Special Deputy," is amended to read as follows:

"The Second Special Deputy Sheriff provided for by this act shall be paid a monthly salary which shall be fixed by the governing body of Clarke County at such amount as shall be deemed appropriate by such governing body. The governing body of Clarke County is hereby authorized and directed to draw warrants each month on the county treasury in favor of the second special deputy sheriff for the preceding month's work, on the certification of the sheriff that such work has been performed, in the amount fixed by said governing body as hereinabove prescribed, which warrants shall be paid either from the General Fund or from the Fine and Forfeiture Fund of the County, as said governing body may from time to time direct. All payments of salary heretofore made to such Second Special Deputy Sheriff are hereby validated."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 14, 1969.

Time: 2:49 P.M.

Act No. 97

H. 19—McCorquodale, Agee

AN ACT

Relating to Clarke County, Alabama, and authorizing the Governing Body of such County to employ and pay a jailer.

Be It Enacted by the Legislature of Alabama:

Section 1. The Governing Body of Clarke County, Alabama is authorized to employ a jailer and to assign to him such

duties relating to the county jail as the County Governing Body may deem appropriate.

Section 2. The County Governing Body is authorized to pay such jailer a monthly salary of such amount as the County Governing Body may determine; all payments of salary made by the County to a jailer prior to enactment of this act are hereby validated.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 2:50 P.M.

Act No. 98

H. 20—McCorquodale, Agee

AN ACT

Regulating the salary of the chief deputy sheriff of Clarke County, Alabama, and providing for its method of payment.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy sheriff of Clarke County, Alabama, shall be paid a monthly salary which shall be fixed by the governing body of Clarke County at such amount as shall be deemed appropriate by such governing body. The governing body of Clarke County is hereby authorized and directed to draw warrants each month on the county treasury in favor of such chief deputy sheriff for the preceding month's work, on the certification of the sheriff that such work has been performed, in the amount fixed by such governing body as hereinabove prescribed, which warrants shall be paid either from the General Fund or from the Fine and Forfeiture Fund as such governing body may from time to time direct. All payments of salary heretofore made to such chief deputy sheriff are hereby validated.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 2:51 P.M.

Act No. 99

H. 21—McCorquodale, Agee

AN ACT

To further amend Section 3 of Act No. 819 approved September 11, 1951 (Acts 1951, Vol II, p. 1452), entitled "An act to impose extra, new and additional duties upon the members of the County Governing Body of Clarke County, Alabama, and to provide additional compensation for the performance of such duties," as amended by Act No. 120 approved July 7, 1965 (Acts 1965, Vol I, p. 183), to provide further for an expense allowance to the members of such governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 819 approved September 11, 1951 (Acts 1951, Vol. II, p. 1452), as amended by Act No. 120 approved July 7, 1965 (Acts 1965, Vol I, p. 183), is amended to read as follows:

"Section 3. Each member of the County Governing Body of Clarke County shall be allowed an expense allowance of \$175.00 per month as reimbursement for expenses incurred in the performance of his duties as a member of such Governing Body; and in addition thereto each member of the County Governing Body of Clarke County shall be entitled to reimbursement by the County for expenses incurred by him in attending annual conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners; all payments heretofore made by the County to members of its County Governing Body as reimbursement for expenses incurred in attending such conventions are hereby validated."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 2:51 P.M.

Act No. 100

H. 37—Drake, Starnes, McDonald

AN ACT

Relating to all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, providing expense allowances for the Register in Chancery in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000, nor more than 46,000 according to the most recent Federal decennial census, the Register in Chancery shall be entitled to an expense allowance in the amount of \$1,200.00 per

annum, which allowance shall be paid to such officer from the general funds of the County in equal monthly installments at the end of each month.

Section 2. This Act is cumulative.

Section 3. This Act shall take effect on the first of the month next following the date of its enactment.

Approved May 14, 1969.

Time: 2:52 P.M.

Act No. 101

H. 39—Drake, McDonald, Starnes

AN ACT

To apply only to counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, to provide additional funds for clerk hire for circuit clerks in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, the circuit clerk shall be entitled to an allowance for expenses for clerk-hire in the amount of \$2400 per annum which allowance shall be in addition to any and all such allowances, and shall be paid to such officer from the general funds of the county in equal monthly installments at the end of each month.

Section 2. This Act is cumulative.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved May 14, 1969.

Time: 2:53 P.M.

Act No. 102

H. 40—Drake, McDonald, Starnes

AN ACT

Relating to counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, to provide an expense allowance for the deputy or county solicitor in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, the deputy or county solicitor in such counties shall be entitled to an expense allowance of one hundred dollars (\$100) per month to be paid from the general funds of the county in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall take effect on the first day of the month next following the date of its enactment.

Approved May 14, 1969.

Time: 2:54 P.M.

Act No. 103

H. 41—Steagall

AN ACT

Relating to Dale County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other compensation provided for by law, the official court reporter of the Thirty-third Judicial Circuit of Alabama shall be entitled to additional compensation payable by Dale County in the amount of fifty dollars per month. Such additional compensation shall be paid to the court reporter at the end of each month from the general funds of Dale County.

Section 2. This Act is cumulative.

Section 3. This Act shall take effect on the first of the month next following the date of its enactment.

Approved May 14, 1969.

Time: 2:55 P.M.

Act No. 104

H. 47—Berryman (R)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Town Creek so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Town Creek shall be so altered, rearranged and extended so as to incorporate within the town the following described territory, to wit:

The area south of and adjoining the existing Corporate limits of the town of Town Creek extending two and a half miles along each side of Highway 101 at a distance of one-quarter of a mile from the center line of said Highway 101.

Also, the area west of and adjoining the existing town limits extending one-half mile west along each side of Highway 20 at a distance of one-quarter of a mile from the center line of said Highway 20.

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 2:56 P.M.

Act No. 105

H. 58—Manley, Pruitt

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Linden so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Linden in Marengo County are hereby altered, rearranged and extended so as to incorporate within the city the following described territory lying and being in Marengo County, to wit:

From the southwest corner of NE 1/4 of SW 1/4 of Section 3, Township 15 North, Range 3 East, run east on forty line for 143 feet to south margin of Highway No. 28; thence northwest along south margin of Highway No. 28 for 336 feet to forty line; thence south on forty line for 275 feet to point of beginning. Being in NE 1/4 of SW 1/4 of Section 3, Township 15 North, Range 3 East.

From the southeast corner of SW 1/4 of SE 1/4 of Section 3 run west 908 feet; thence north 330 feet to point of beginning; thence continue north 660 feet; thence west 1292 feet to east

margin of Highway No. 28; thence southeast along east margin of Highway No. 28 for 801 feet; thence east for 868 feet to point of beginning. Being in SE 1/4 of SW 1/4 and SW 1/4 of SE 1/4 of Section 3, Township 15 North, Range 3 East.

Beginning at a point marked with an iron pin, which said point is 330 feet south and 908 feet west of the northeast corner of SW 1/4 of SE 1/4 of Section 3, Township 15 North, Range 3 East; thence north 5 degrees 35 minutes west 550 feet to an iron pin; thence north 70 degrees west 1035 feet to an iron pin; thence south 87° 25' west 847.6 feet to an iron pin; thence south 5° 35' east 114.3 feet to the northeast R.O.W. margin of Highway No. 28; thence south 34° East 1117 feet along said R.O.W. to an iron pin; thence north 86° 48' East 1293.1 feet to the point of beginning, containing 31 acres, more or less, being a part of the W 1/2 of SE 1/4 and E 1/2 of SW 1/4 Section 3, Township 15 North, Range 3 East.

From the southeast corner of SW 1/4 of SE 1/4 of Section 3, Township 15 North, Range 3 East, run south on forty line for 900 feet; thence north 74° 45' west run 437 feet; thence south 12° 20' West run 247 feet to north margin of Highway No. 28; thence northwest along the north margin of said Highway No. 28 for 1889.4 feet; thence east for 868 feet; thence north for 660 feet; thence east 908 feet; thence south 990 feet to point of beginning. Being in NW 1/4 of NE 1/4 and NE 1/4 of NW 1/4 of Section 10, and SW 1/4 of SE 1/4 and SE 1/4 of SW 1/4 of Section 3, Township 15 North, Range 3 East.

From southeast corner of NE 1/4 of NE 1/4 of Section 10, Township 15 North, Range 3 East, run south on Section Line for 21 feet for point of beginning; thence continue south on section line for 1065 feet to north margin of Highway No. 28; thence northwest along north margin of Highway No. 28 for 2442 feet; thence north 12° 20' E for 247 feet; thence south 74° 45' E for 1829.7 feet to point of beginning, being in NE 1/4 of Section 10, Township 15 North, Range 3 East.

From southwest corner of NW 1/4 of NE 1/4 of Section 10, Township 15 North, Range 3 East, run east 660 feet for point of beginning; thence north 366 feet to south margin of Highway No. 28; thence southeast along south margin of Highway No. 28 for 594 feet; thence due south for 1172 feet to north margin of L & N Railroad; thence northwest along north margin of said railroad for 427.5 feet; thence north for 927 feet to point of beginning, and being in W 1/2 of NE 1/4 of Section 10, Township 15 North, Range 3 East.

From southeast corner of NE 1/4 of NE 1/4 of Section 10, Township 15 North, Range 3 East run south on Section Line

for 1221 feet to south margin of Highway No. 28 for point of beginning; thence continue south on section line for 1065 feet; thence due west run 1695 feet; thence due north run 2375 feet to south margin of Highway No. 28; thence southeast along the south margin of said Highway No. 28 run 2090 feet to point of beginning, being in S 1/2 of NE 1/4 and N 1/2 of SE 1/4 of Section 10, Township 15 North, Range 3 East.

Also, twenty (20) acres in the southwest corner of the SE 1/4 of SW 1/4 lying south and west of Highway No. 28, Section 3, Township 15 North, Range 3 East, in Marengo County, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 2:57 P.M.

Act No. 106

H. 59—Fite

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Winfield, in Marion County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Winfield, in Marion County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said town all of the following described territory:

East half of NW¹/₄, NE¹/₄, East half of SW¹/₄,
West half of SE¹/₄, and NE¹/₄ of SE¹/₄, all in
Section 12, Township 13, Range 12 West,
Marion County, Alabama.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall go into effect on its passage and approval by the Governor.

Approved May 14, 1969.

Time: 2:58 P.M.

Act No. 107

H. 61—Fite

AN ACT

To fix the compensation of the county solicitor of Marion County and repeal Act No. 146, H. 151, Special Session 1962 (Acts 1962 Special Session, p. 188).

Be It Enacted by the Legislature of Alabama:

Section 1. The county solicitor of Marion County shall be entitled to receive an annual salary of four thousand two hundred dollars (\$4,200), to be paid from the general fund of the county in equal monthly installments of three hundred fifty dollars (\$350).

Section 2. Act No. 146, H. 151, Special Session 1962 (Acts Special Session 1962, p. 188) and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 2:59 P.M.

Act No. 108

H. 63—Fite

AN ACT

To amend Act No. 82, H. 250, Regular Session 1935, approved June 3, 1935 (Local Acts 1935, p. 18), an act relating to the County Superintendent of Education of Marion County so as to provide further for the salary of such superintendent.

Be It Enacted by the Legislature of Alabama:

Section 5 of Act No. 82, H. 250, Regular Session 1935, approved June 3, 1935 (Local Acts 1935, p. 18) as heretofore amended is hereby further amended to read as follows:

“Section 5. The salary of said County Superintendent of Education shall be fixed by the county board of education in such a manner as the board may deem proper and ample, not to exceed twelve thousand dollars per annum. Such salary shall be paid in the same manner and from the same sources as provided by the general law for the payment of the compensa-

tion of the county superintendents of education in the several counties.

Approved May 14, 1969.

Time: 3:00 P.M.

Act No. 109

H. 64—Fite

AN ACT

Relating to Marion County; providing further for the compensation of the chief deputy sheriff of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marion County the chief deputy of the sheriff shall receive for his services a salary of such amount as may be fixed by the court of county commissioners, board of revenue or other governing body of the county, but such salary shall not be less than \$2400.00 nor more than \$6000.00 per annum. The salary of the chief deputy shall be payable in 12 equal monthly installments from the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:01 P.M.

Act No. 110

H. 65—Fite

AN ACT

To amend further Act No. 307, H. 526, approved September 1, 1939, an act allowing the sheriff of Marion County to appoint an additional deputy, so as to make further provisions respecting the compensation of such deputy

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 307, H. 526, Regular Session 1939 (Local Acts 1939, p. 195), as amended, is amended further to read as follows:

“The Sheriff of Marion County, Alabama, is hereby allowed an additional deputy sheriff, who shall receive a salary of not

less than nine hundred nor more than five thousand four hundred dollars per annum, to be paid in equal monthly installments out of the general fund of Marion County, the exact amount of the salary to be fixed by the Marion County Board of Revenue. The deputy sheriff shall be eligible to perform duties anywhere in the county, provided the Sheriff may from time to time assign him to perform such duties in certain precincts in Marion County as he may deem fit and proper."

Approved May 14, 1969.

Time: 3:02 P.M.

Act No. 111

H. 66—Fite

AN ACT

Relating to Marion County; providing an expense allowance for the use of the tax assessor of said county, and fixing an effective date and an expiration date for operation of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or other like governing body of Marion County shall make provisions for and pay out of the general fund of the county to the tax assessor of said county a sum not exceeding \$100.00 per month for expenses, which allowance shall be payable monthly to the tax assessor during the period beginning the first day of June 1969 and ending June 30, 1971, and not thereafter.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall take effect immediately upon its enactment and shall terminate and expire June 30, 1971.

Approved May 14, 1969.

Time: 3:03 P.M.

Act No. 112

H. 67—Fite

AN ACT

To amend Act No. 361, S. 259, approved November 2, 1959, an act authorizing the sheriff of Marion County to appoint a deputy, so as to make further provisions respecting the compensation of such deputy.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 361, S. 259, Regular Session 1959 (Acts 1959, v. 2, p. 949) is hereby amended so as to read as follows:

"Section 1. The Sheriff of Marion County, Alabama, is hereby allowed one additional deputy sheriff to those now provided by law, which deputy shall receive a salary of not less than \$1,800.00 per annum nor more than \$5,400.00 per annum, to be paid in twelve equal monthly installments out of the general funds of Marion County, Alabama. Said deputy shall be eligible to perform the duties of deputy sheriff anywhere in said County."

Approved May 14, 1969.

Time: 3:04 P.M.

Act No. 113

H. 68—Fite

AN ACT

To make an appropriation from the Marion County treasury for the relief of John T. Page.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$1,347.97 is hereby appropriated from the hospital funds of Marion County to the use of John T. Page, to compensate him for medical and hospital expenses he had to pay while engaged in the performance of his duties as an employee of the Marion County Nursing Home at Hamilton. The chairman of the Marion County governing body is hereby authorized and directed to draw a proper warrant payable to the said John T. Page, which shall be paid upon its presentation to the County Treasurer or custodian of the County hospital funds.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:05 P.M.

Act No. 114

H. 70—Fite

AN ACT

To apply only in counties having populations of not less than 14,500 nor more than 14,900; making further provisions respecting the compensation and allowances of the superintendents of education in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of any county having a population of not less than 14,500 nor more than 14,900, according to the last or any subsequent federal decennial census, shall be entitled to receive such salary, not exceeding \$14,000 per annum, as the county board of education may prescribe. The salary of the superintendent of education shall be paid in the same manner as is provided by the general laws of Alabama for the payment of salaries of county superintendents of education. In addition to the salary, the county board of education may fix, approve, and authorize the payment of traveling expenses and other expenses incurred by the superintendent of education in the performance of his official duties, both within and without the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:06 P.M.

Act No. 115

H. 71—Fite

AN ACT

To apply only in counties having populations of not less than 14,400 nor more than 14,900, according to the last or any subsequent federal decennial census; providing further for the compensation of members of the county board of education of all such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 14,400 nor more than 14,900, according to the last or any subsequent federal decennial census, the members of the county board of education shall receive from the public school funds of the county fifty dollars per month for their services.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:07 P.M.

Act No. 116

H. 72—Fite

AN ACT

To amend Act No. 77, H. 129, Special Session 1962, an act applying only in counties having populations of not less than 21,800 nor more than 21,850, in relation to the compensation of members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 2 of Act No. 77, H. 129, Special Session 1962, (Acts, Special Session 1962, p. 100) is hereby amended so as to read as follows:

“Members of the board of education of all counties to which this Act is applicable shall receive for their services the sum of fifty dollars per month, to be paid out of the public school funds of the county.”

Approved May 14, 1969.

Time: 3:08 P.M.

Act No. 117

H. 102—Beck, Meade

AN ACT

TO FIX EXPENSE ALLOWANCES OF COURTS OF COUNTY COMMISSIONERS, BOARDS OF REVENUE OR LIKE GOVERNING BODIES OF ALL COUNTIES HAVING A POPULATION OF NOT LESS THAN 41,000 NOR MORE THAN 45,000, ACCORDING TO THE MOST RECENT FEDERAL DECENNIAL CENSUS, WITH RETROACTIVE EFFECT.

Be It Enacted by the Legislature of Alabama:

SECTION 1. IN ALL COUNTIES HAVING A POPULATION OF NOT LESS THAN 41,000 OR MORE THAN 45,000, ACCORDING TO THE MOST RECENT FEDERAL DECENNIAL CENSUS, EACH MEMBER OF THE COUNTY GOV-

ERNING BODY SHALL BE REIMBURSED FOR ACTUAL EXPENSES WHILE OUT OF THE COUNTY IN PERFORMANCE OF HIS DUTIES.

SECTION 2. THE PROVISIONS OF THIS ACT SHALL BE RETROACTIVE TO MAY 10, 1967.

SECTION 3. THIS ACT SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE AND APPROVAL BY THE GOVERNOR, OR UPON ITS OTHERWISE BECOMING A LAW.

Approved May 14, 1969.

Time: 3:09 P.M.

Act No. 118

H. 107—Berryman (R)

AN ACT

Relating to counties having populations of not less than 22,500 nor more than 24,550; providing an expense allowance for the members of the jury commission in such counties; and providing an expiration date for such allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the jury commission in all counties having populations of not less than 22,500 nor more than 24,550 according to the most recent federal decennial census shall be paid an expense allowance of \$300 per annum. Such allowance shall be in addition to all other allowances prescribed by law and shall be paid in equal installments out of the county treasury as the salary and expense allowances of other county officers are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and it shall expire on the date fixed in Code of Alabama 1940, Title 1, Section 14, as amended, as the date for reclassification under laws requiring classification based on the federal decennial census.

Approved May 14, 1969.

Time: 3:10 P.M.

Act No. 119

H. 108—Pearson

AN ACT

Relating to counties having populations of not less than 15,400 nor more than 16,000, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff and deposited in the county treasury. Four-fifths of the amount of each fee collected shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for emergency purposes, in such amounts as may be determined by the court of county commissioners, board of revenue, or other like governing body of the county; the remaining part of each fee collected shall be credited to the general funds of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:11 P.M.

Act No. 120

H. 109—Fite

AN ACT

Regulating the compensation of court reporters for county or inferior courts having equity jurisdiction in all counties having populations of not less than 14,400 nor more than 14,900 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 14,400 nor more than 14,900, according to the most recent federal decennial census, if equity jurisdiction concurrent with the circuit court has been conferred on a county or inferior court therein, the court reporter for such county or inferior court shall receive a salary of \$100 per month payable in equal installments out of the county treasury on the certificate of the judge of such court. In addition thereto he shall also receive the same rate of compensation for transcribing the testimony

or other proceedings before such county or inferior court as is provided by law for the official court reporter in the circuit courts and \$10 for each day or fractional part thereof when he is engaged in taking testimony or other proceedings of the county or inferior court, plus 10¢ per mile for each mile travelled in going to and returning from the place of holding court. The compensation above prescribed shall be the total compensation received by such court reporters.

Section 2. All laws or parts of laws, general, local or special, which conflict with this Act are superseded by this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:12 P.M.

Act No. 121

H. 116—Hobbie, Cameron, McElhaney,
Harris, Springer

AN ACT

To amend Act No. 380, H. 939, approved September 3, 1957 (Acts 1957, v. 1, p. 508) relating to counties having populations of not less than 150,000 nor more than 300,000 according to the last Federal Decennial Census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 380, H. 939, approved September 3, 1957 (Acts 1957, v. 1, p. 508), an act providing for payment of pensions to certain former employees of such counties, is hereby amended so as to read as follows:

“1. The court of county commissioners, board of revenue or like governing body of each county having a population of not less than 150,000 nor more than 300,000 according to the last Federal Decennial Census, may order and direct the payment of a pension, in the amount of one hundred dollars (\$100) per month, for the remainder of the person's natural life, to any former employee of the county who served as such for more than twenty (20) years, and whose employment terminated prior to January 1, 1935.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:13 P.M.

Act No. 122

H. 117—Springer, McElhaney, Hobbie,
Harris, Cameron

AN ACT

To provide additional compensation or salary for the official court reporters in all circuit courts in all counties of the State of Alabama having a population of not less than 150,000 nor more than 300,000 inhabitants according to the last federal decennial census; and providing for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The official court reporters in all counties in Alabama having a population of not less than 150,000 nor more than 300,000 inhabitants according to the last federal decennial census appointed and holding office under the provisions of law applicable thereto shall, in addition to the salary fixed and provided to be paid to the said court reporters under the provisions of Act No. 691, S. 284, Regular Session 1951 (Acts of 1951, p. 1192) as heretofore or hereafter amended, receive as additional salary or compensation the sum of Twelve Hundred Dollars per annum which shall be payable in monthly installments by such counties out of their General Fund.

Section 2. No provision of this Act shall be construed as altering, amending or repealing Act No. 691, S. 284, Regular Session 1951 (Acts of 1951, p. 1192) as heretofore or hereafter amended, except as herein specifically provided, but otherwise all laws or parts of laws, general, special, or local, which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:14 P.M.

Act No. 123

H. 118—Springer, Cameron

AN ACT

Providing for supplemental salaries to be paid by the county to deputy district attorneys for the Fifteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Each deputy district attorney of the Fifteenth Judicial Circuit of Alabama, in addition to the salary being paid by the State, shall be paid a supplemental salary of two thousand four hundred dollars (\$2,400.00) per year by Montgomery County, Alabama, from the general funds of said county, payable as the salaries of county officers are paid.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:15 P.M.

Act No. 124

H. 119—Springer, Cameron

AN ACT

Establishing investigators for the District Attorney's Office for the Fifteenth Judicial Circuit of Alabama; providing for the hiring, salaries and expenses, authority and duties of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney for the Fifteenth Judicial Circuit is hereby authorized to appoint an investigator for such office. Such additional investigators may from time to time be appointed by the District Attorney as in the opinion of the District Attorney and the governing body of the county comprising such circuit may deem necessary. Such investigators shall serve at the pleasure of the District Attorney.

Section 2. The investigators shall have the same authority and powers vested in deputy sheriffs and all other law enforcement officers of the State of Alabama. They shall be responsible to the District Attorney and shall perform all duties assigned to them by such official.

Section 3. The City-County Personnel Board of the County in which such circuit is located shall set a pay scale for such investigators which scale shall not be less than that set for captains in the Sheriff's Department and such investigators shall be under the Personnel Board for pay purposes only and none other. The salaries shall be paid from the general fund of Montgomery County as other county employees are paid.

Section 4. The governing body of the county in which such circuit is located shall purchase from the general fund upon the application of the District Attorney for the use of such investigators equipment and supplies including automobiles, radios and other electronic equipment, which are necessary in the proper performance of their duties and pay for such other expenses which are reasonably necessary in the suppression of crime, the apprehension of criminals and the duties assigned them. The governing body of such county shall be responsible for the maintenance and upkeep of such equipment.

Section 5. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:16 P.M.

Act No. 125

H. 121—Dobbs, Shumate

AN ACT

To require the marking and identification of all motor vehicles, construction machinery and equipment used by Walker County, and to place the responsibility for such marking upon the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the duty of the board of finance and control, board of revenue, court of county commissioners or like governing body of Walker County to require the marking in the manner hereinafter prescribed of all motor vehicles, road and bridge building machinery and all rolling stock and mobile equipment owned by Walker County. All such equipment shall be plainly marked, in the most conspicuous place, in letters not less than three inches high as follows: **PROPERTY OF WALKER COUNTY**. This designation shall be followed by an identification number in digits not less than three inches high. Identification numbers shall be assigned to all vehicles and individual pieces of mobile equipment now owned and later acquired by the county, and shall be recorded on all documents concerning each piece of equipment held by any agency of the county. This section shall apply to all property described above owned by any department or agency of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:17 P.M.

Act No. 126

H. 122—Dobbs, Shumate

AN ACT

To amend Act No. 61, H. 249, Regular Session 1961, (Acts 1961, p. 78) an act creating The Inferior Court of Walker County, to allow the judge of the Inferior Court of Walker County to be elected by the county at large and to make his residence anywhere within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5, Act No. 61, H. 249, Regular Session 1961 (Acts 1961, p. 78) an act creating the Inferior Court of Walker County, is hereby amended to read as follows:

“Section 5. A judge for the Inferior Court of Walker County shall be elected at the general election in November 1972, and every four years thereafter, by the qualified electors of Walker County, to hold office from the first Monday after the second Tuesday in January next following his election, and until his successor is elected and qualified. The office shall be considered a county office within the meaning of the election laws and other state laws. The judge shall have been a resident citizen of Walker County for two years next preceding his election. Before performing any of the duties of his office, the Judge shall take the oath of office prescribed by the Constitution and laws of Alabama for justices of the peace, and shall enter into bond, with surety, in the sum of two thousand dollars, to be approved by the judge of probate of Walker County. The oath and bond shall be filed and recorded in the office of the judge of probate. The judge may be removed only by impeachment in the manner and for the causes prescribed by law for the removal of judges of inferior courts. Any vacancy in the office shall be filled by appointment by the governor for the unexpired term.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:18 P.M.

Act No. 127

H. 123—Shumate, Dobbs

AN ACT

To apply only in counties having populations of not less than 51,000 nor more than 56,000; providing for payment of expense allowances to certain municipal officers who are directors of municipal waterworks, gas, and other like public utility boards.

Be It Enacted by the Legislature of Alabama:

Section 1. Any provision of law to the contrary notwithstanding a member of the board of directors of an incorporated municipal waterworks, gas or other public utility board, who is also a member of the municipal governing body of a municipality in counties having populations of not less than 51,000 nor more than 56,000 according to the most recent federal decennial census, shall be entitled to receive the same allowance for expenses in connection with his duties as a member of such board of directors of the corporation as other members of the board. The allowance shall be paid at the same time and in the same manner that expense allowances are paid to members of the board of directors who are not members of the municipal governing body.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:19 P.M.

Act No. 128

H. 124—Dobbs, Shumate

AN ACT

To amend further Act No. 486, Regular Session 1957, (Acts 1957, p. 670) which act, as amended, provides further for paid leaves of absence for certain employees of counties having populations of not less than 51,000 nor more than 56,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 486, Regular Session 1957, (Acts 1957, p. 670) is amended to read as follows:

“Section 1. In all counties having populations of not less than 51,000 nor more than 56,000 according to the most recent federal decennial census, the board of revenue, court of county commissioners or other like governing body shall have the power and authority to grant vacation leave of absence or sick leave, with pay, to employees of the county in addition to any vacation

leave of absence or sick leave heretofore provided by law. Such vacation leave of absence or sick leave shall be granted in accordance with the time the governing body of the county designates, but each county employee can combine his two weeks of vacation leave with his seven days sick leave which is granted annually by the county and may use the total three weeks leave as a vacation or as sick leave. Sick leave shall be granted without submission of a doctor's certificate to verify sickness. Neither vacation or sick leave shall be accumulated from year to year."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:20 P.M.

Act No. 129

H. 125—Shumate, Dobbs

AN ACT

To amend Act No. 227, Regular Session 1967, (Acts 1967, p. 310) an act relating to all counties having a population of not less than 51,000 nor more than 56,000 according to the most recent federal decennial census, providing further for the compensation and allowances of the deputies of the sheriff in said counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 227, Regular Session 1967, (Acts 1967, p. 310) is amended to read as follows:

"Section 1. In all counties having a population of not less than 51,000 nor more than 56,000, according to the most recent federal decennial census, the compensation of the chief deputy sheriff shall be \$525.00 per month. The compensation of each of the other deputies of the sheriff shall be \$475.00 per month. Also, each jailer appointed or employed by the sheriff shall be entitled to a raise in his salary in the amount of \$25.00 per month. In addition to his compensation, each deputy shall be provided an allowance of \$20.00 a month for the purchase and upkeep of uniforms, which uniforms shall be the property of the county and shall be returned to the sheriff upon the resignation, discharge, dismissal or release of a deputy. The compensation and allowances of each deputy and jailer shall be paid from the general funds of the county or from other funds available

for such purposes according to law. Also, the cook shall be entitled to a raise of \$40.00 per month, making the compensation of the cook a total of \$190.00 per month."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall take effect on the first day of the month next following the date of enactment.

Approved May 14, 1969.

Time: 3:21 P.M.

Act No. 130

H. 126—Cameron

AN ACT

To amend Section 1 of Act No. 94, S. 79, approved March 22, 1965, an act providing for the appointment of bailiffs for the circuit courts of counties having populations of not less than 150,000 nor more than 300,000 according to the last federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 94, S. 79, approved March 22, 1965, an act providing for the appointment of bailiffs for the circuit courts of counties having populations of not less than 150,000 nor more than 300,000 according to the last federal decennial census (Acts 1965, Special Session, v. 1, p. 109) is hereby amended to read as follows:

"Section 1. Each judge of the circuit court of all counties having a population of not less than 150,000 nor more than 300,000 according to the last federal decennial census, is hereby authorized and empowered to appoint one bailiff, who shall receive an annual salary equal to the highest compensation paid by the court of county commissioners, board of revenue, or like governing body of the county to any deputy sheriff lieutenant employed by the sheriff of the county. The salaries of such bailiffs shall be payable in equal monthly installments from the county treasury, upon warrants of the chairman or president of the court of county commissioners, board of revenue, or like governing body of the county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:22 P.M.

Act No. 131

H. 129—Hardin, Bassett

AN ACT

Relating to Butler County; authorizing the county governing body to appropriate county funds for the relief of Alfred Scott.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Butler County may appropriate county funds to pay Alfred Scott an amount not exceeding \$200.00 as damages to her personal property caused by sand blasting operations around the courthouse conducted for and on behalf of the county, which damage occurred under such circumstances that the county is justly and equitably obligated to pay the damage but the claimant has no legal recourse to recover the same.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:23 P.M.

 Act No. 132

H. 130—Hardin, Bassett

AN ACT

To repeal Act No. 171, H. 223, approved September 15, 1961 entitled "An Act to provide an additional expense allowance to members of the court of county commissioners, board of revenue or like governing body of all counties having a population of not less than 24,525 nor more than 24,675 according to the last federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 171, H. 223, approved September 15, 1961 entitled "An Act to provide an additional expense allowance to members of the court of county commissioners, board of revenue or like governing body of all counties having a population of not less than 24,525 nor more than 24,675 according to the last federal decennial census" is hereby expressly repealed.

Section 2. This Act shall take effect on the first Monday after the second Tuesday in January, 1973.

Approved May 14, 1969.

Time: 3:24 P.M.

Act No. 133

H. 133—Hardin, Bassett

AN ACT

To amend further Section 2 of Act No. 107, Regular Session 1955 (Acts 1955, v. 1, p. 353), an act authorizing the sheriff of Butler County to appoint an additional deputy, so as to make further provisions respecting the compensation of said deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 107, Regular Session 1955 (Acts 1955, v. 1, p. 353), an act authorizing the sheriff of Butler County to appoint an additional deputy, as amended, is amended further so as to read as follows:

“Said Deputy so appointed shall be paid a salary to be fixed by the Court of County Commissioners of Butler County, Alabama, not to exceed four thousand eight hundred dollars per annum which shall be paid in equal monthly payments.”

Section 2. This act of amendment shall take effect on the first of the month next following the date of its enactment.

Approved May 14, 1969.

Time: 3:25 P.M.

Act No. 134

H. 134—Hardin, Bassett

AN ACT

Relating to Butler County; authorizing the county governing body to appropriate county funds for the relief of Ella J. Hendrix.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Butler County may appropriate county funds to pay Ella J. Hendrix an amount not exceeding \$200.00 as damages to her personal property caused by sand blasting operations around the courthouse conducted for and on behalf of the county, which damage occurred under such circumstances that the county is justly and equitably obligated to pay the damage but the claimant has no legal recourse to recover the same.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:26 P.M.

Act No. 135

H. 135—Hardin, Bassett

AN ACT

Relating to law enforcement in Butler County; fixing the fee for the issuance of pistol permits, providing for the deposit of such fees in a fund to be designated the Sheriff's Fund and providing for the use of such fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Butler County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff.

Section 2. One dollar of each fee collected under Section 1 of this act shall be paid into the county treasury and the remaining four dollars of each fee shall be deposited by the sheriff of Butler County in any bank located in Butler County, into a fund known as the Sheriff's Fund.

Section 3. The Sheriff's Fund provided for in Section 2 of this act shall be drawn upon by the sheriff of Butler County or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit.

Section 4. The establishment of the Sheriff's Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:27 P.M.

Act No. 136

H. 136—Hardin, Bassett

AN ACT

To amend and re-enact Act No. 183, H. 558, Regular Session 1945 (Local Acts 1945, p. 99) entitled "An Act to provide for dividing Butler County into four commissioner districts; to provide for the election of a commissioner for each of such districts; to provide for the tenure of office of such commissioners and to provide the compensation of the commissioners so elected."

Be It Enacted by the Legislature of Alabama:

That Act No. 183, H. 558, Regular Session 1945 (Local Acts 1945, p. 99) be and hereby is amended and re-enacted so as to read as follows:

"Section 1. Butler County is hereby divided into four commissioners districts to be designated District No. 1, District No. 2, District No. 3, and District No. 4.

"Section 2. District No. 1 shall be composed of the territory now embraced in Election Precincts 2, 3, 15, 17, and 19; District No. 2 shall be composed of the territory now embraced in Election Precincts 4, 5, 6, 7, 12, and that part of 18 that lies East of U. S. Highway No. 31; District No. 3 shall be composed of the territory now embraced in Election Precincts 8, 9, 10, 11, 16, and that part of 18 that lies West of U. S. Highway No. 31; and District No. 4 shall be composed of the territory now embraced in Election Precincts 1, 13, and 14.

"Section 3. At the primary elections in 1972 and every four years thereafter the qualified electors of Butler County entitled to participate in such primary shall nominate one commissioner for said county of Butler for each of said districts, who shall be a bona fide elector of and who shall actually reside in the district from which he is nominated; and at the general election in 1972 and every four years thereafter the qualified electors of Butler County shall elect one commissioner for said county of Butler for each of said four districts, who shall be a bona fide elector of and actually reside in the district from which he is elected, and who shall hold office for a period of four years, and until his successor shall be elected and qualified.

"Section 4. The county commissioners from each of said districts shall be nominated and elected as provided in this act by the qualified electors of the entire county of Butler, each qualified elector being entitled to vote for a commissioner from each district from which a commissioner is to be nominated and elected at such primary or such general election.

"Section 5. The commissioners elected under the provisions of this act shall be charged with the duty and responsibility of supervising roads in their respective districts, and for such services they shall be paid from the County Gasoline Tax Fund a salary of \$250.00 per month and an allowance of \$100.00 per month for expenses incurred in supervising said roads. In addition thereto they shall be paid from the County General Fund an allowance of \$5.00 per day for attendance on the sessions of the court, and travel expenses of 10¢ per mile to and from their place of residence.

"Section 6. This act shall not affect the right and tenure of office of the members of the present county commissioners of said county, but said commissioners shall continue to hold and discharge the duties of said office as is now incumbent upon them and as may be made incumbent upon them by law, until their successors shall be elected and qualified under this act.

"Section 7. If any section or provision of this act shall be declared void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision.

"Section 8. All laws or parts of laws not in conflict with the provisions of this act shall remain in full force and effect. All laws or parts of laws, general, local or special, in conflict with the provisions of this act are hereby repealed.

"Section 9. This act shall be in full force and effect from and after its approval by the Governor."

Approved May 14, 1969.

Time: 3:28 P.M.

Act No. 137

H. 137—Burgess, Merrill, Lybrand

AN ACT

To repeal Act No. 648, H. 873, approved September 8, 1967, entitled, "An Act to apply only in counties having populations of not less than 76,000 nor more than 96,000 according to the most recent federal decennial census, authorizing municipal corporations to make valid conveyances of certain surplus property," (Acts of Alabama 1967, p. 1470).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 648, H. 873, approved September 8, 1967, entitled, "An Act to apply only in counties having populations of not less than 76,000 nor more than 96,000 according to the most recent federal decennial census, authorizing municipal corporations to make valid conveyances of certain surplus property," (Acts of Alabama 1967, p. 1470) is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:29 P.M.

Act No. 138

H. 139—Wright, Malone

AN ACT

To apply in all Counties of this State having a population of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census; providing for the Constable of the County Courts of such counties to serve as Bailiff and for the compensation of such Bailiffs.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties of this State having a population of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census.

Section 2. In all counties coming within the purview of this Act, the Constable of the County Court shall serve as Bailiff of the County Court of such Counties each day that said Court is in session.

Section 3. The compensation of said Bailiff is hereby fixed at \$10.00 per day and shall be paid from the general fund of the County, upon Certificate issued to the County Governing Body by the Judge of the County Court.

Section 4. All laws and parts of laws both general, special and local, in conflict with this Act are hereby expressly repealed.

Section 5. This Act shall go into effect on the first day of the month following its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:30 P.M.

Act No. 139

H. 140—Wright, Malone

AN ACT

To amend Act No. 413, H. 421 of the 1966 Special Session (Acts, 1966, p. 559), entitled "An Act relating to counties having populations of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census; authorizing the constable serving the county court to appoint a deputy constable; providing for the term, duties and salary of such deputy constable," relative to the compensation of such constable.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 413, H. 421 of the 1966 Special Session (Acts, 1966, p. 559) is amended to read as follows:

"Section 1. In all counties having populations of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census, any constable charged by law with the duty of serving the processes of the county court shall be authorized to appoint a deputy constable to serve at the pleasure of the appointing constable. Such deputy constable shall serve as constable for the beat in which the seat of county government is located, and shall be vested with all the power and authority of the constable. For the performance of his duties, such deputy constable shall be paid a salary of \$240 per month."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:45 P.M.

Act No. 140

H. 141—Wright, Malone

AN ACT

To amend further Section 2 of Act No. 706, H. 1117, Regular Session 1965, which applies only to counties having populations of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census; further regulating the compensation and allowances of deputies of the sheriff of all such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 706, H. 1117, Regular Session 1965, an act relating to counties having populations of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census (Acts, Regular Session 1965, v. 2, p. 1307) is hereby further amended so as to read as follows:

"Section 2. The compensation of each of the deputies of the sheriff and of the jailers and matron of any such county shall hereafter be fixed by the board of revenue, court of county commissioners or other like governing body of the county upon the recommendation of the sheriff. It is specifically provided, however, that such governing body shall not have power to increase or decrease the compensation of such deputies, jailer or matron except upon the recommendation of the sheriff. Until the county governing body prescribes a different amount therefor the compensation of each of the deputies of the sheriff, the jailer and the matron of any such county shall be a monthly salary, as follows:

"For the chief deputy, \$650 a month;

"For the assistant chief deputy, \$600 a month;

"For the other deputies, \$550 a month;

"For the county investigator, \$600 a month;

"For the jailers or matrons, \$400 a month."

Section 2. This Act shall take effect March 1, 1969.

Approved May 14, 1969.

Time: 3:46 P.M.

Act No. 141

H. 142—Wright, Malone

AN ACT

To apply only in counties having a population of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census; providing for the traveling expense of the Sheriff and the Constable of the County Court, for serving summons or other mesne process, except subpoenas for witnesses.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census, the travel expense of the Sheriff and the Constable of County Court, for serving any Summons or other mesne process, except subpoenas for witnesses, shall be one (\$1.00) Dollar, which travel expense shall be in lieu of the allowance of Ten Cents per mile for each mile traveled in serving same as provided in Title 11, Section 34, Code of Alabama, 1940, as amended. Traveling expense shall be allowed only for one trip in serving any Summons or other mesne process in all cases filed regardless of the amount sued for, and the mileage fee of Ten Cents per mile shall no longer be charged, demanded or received for such service.

Section 2. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 3. This Act shall become effective on the first day of the month following its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:47 P.M.

Act No. 142

H. 143—Jackson (F), Foshee

AN ACT

Relating to Geneva County; authorizing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners, Board of Revenue, or other like governing body of Geneva County, is hereby authorized to pay compensation in the amount of Fifty Dollars per month to the official court reporter of the Thirty-third Judicial Circuit of Alabama; said compensation shall be in addition to all other compensation provided for by law. Such additional compensation, when authorized, shall be paid to the court reporter at the end of each month from the general funds of Geneva County.

Section 2. This Act is cumulative.

Section 3. This Act shall take effect on the first of the month next following the date of its enactment.

Approved May 14, 1969.

Time: 3:48 P.M.

Act No. 143

H. 147—Hill, Haygood

AN ACT

Relating to all counties in this state having populations, according to the most recent federal decennial census, of not less than 61,000 nor more than 65,000; regulating and prescribing the qualifications of persons engaged in the bail bond business in such counties, repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties in this state having populations, according to the most recent federal decennial census, of not less than 61,000 nor more than 65,000, a person engaged in the business of making bail bonds and charging therefor, except corporations qualified to do a bonding business in this state, may qualify as bail and make a bail bond not exceeding \$10,000 in amount, provided he is a resident of the county and a householder and freeholder therein, has paid all privilege licenses due by him for the current year, and deposits in escrow with the probate judge of the county in cash, government bonds or other negotiable instruments, acceptable to the judge of probate,

a minimum of \$5,000 or such other amount as will cover the total amount of the bail bond on which he is or intends to become surety in such county. It is specifically provided, however, that no one bond on which he is surety shall ever exceed the cash value of his deposit in escrow with the judge of probate.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of Alabama Code, Title 15, Section 201, in conflict with this Act are repealed as to all counties to which this Act applies.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:49 P.M.

Act No. 144

H. 154—Dobbs, Shumate

AN ACT

Relating to counties having populations of not less than 51,000 nor more than 56,000 according to the most recent federal decennial census. Providing an expense allowance for judges of inferior courts in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all counties having a population of not less than 51,000 nor more than 56,000 according to the most recent federal decennial census.

Section 2. Judges of the inferior courts in any county within the purview of this act are hereby granted an expense allowance of \$50.00 per month to be paid out of the general funds of the county as prescribed by law. This allowance shall be in addition to any other expense allowance, salary or compensation heretofore authorized by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:50 P.M.

Act No. 145

H. 155—Malone, Wright

AN ACT

To amend Act No. 619, H. 782 of the Regular Session of 1967 (Acts 1967, p. 1423), entitled "An Act to provide for the distribution among the municipalities in any county having a population as great as 96,000 and not exceeding 108,000, according to the last or any succeeding federal decennial census, of a portion of the State Gasoline Excise Tax paid to such county pursuant to the provision of Section 5(b) of Act No. 224 adopted at the special session of the Legislature of Alabama that convened on March 2, 1967"; amending Section 6 thereof in relation to the use of the tax proceeds distributed pursuant to this act to municipalities and the penalty for the unlawful use thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 619, H. 782 of the Regular Session of 1967 (Acts 1967, p. 1423) is hereby amended to read as follows:

"All tax proceeds paid by a county to a municipality therein pursuant to this act or paid directly to a municipality pursuant to the highway gasoline tax distribution act shall be used by the municipality only for the construction, reconstruction, maintenance, widening, alteration and improvements of roads, bridges, streets, and other public ways, including the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the proceeds were or may be lawfully pledged, provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of Alabama. The use of any equipment, materials, supplies, or property of any nature purchased from the proceeds of said highway gasoline tax for any kind of work, job, or project on property not owned by the state, the county or municipality is unlawful. Any municipal officer or employee having the custody or control of any such equipment, materials, supplies or property who knowingly uses or authorizes or permits the use of such equipment, materials, supplies or property in violation of this act shall be guilty of a misdemeanor and punished as prescribed by law. It is expressly provided that this act applies to and governs only that part of the highway gasoline tax proceeds paid to the municipalities to which this act applies; and that this act does not in any way apply to or affect any power or authority conferred on the county governing body by Code of Alabama 1940, Title 12, Section 12, as amended."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:51 P.M.

Act No. 146

H. 159—Springer, McElhaney

AN ACT

To fix expense allowance of the Court of County Commissioners, Boards of Revenue or like governing bodies in all counties having a population of more than 150,000 and less than 300,000 persons according to the last Federal Decennial Census.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any amounts presently being paid to the Court of County Commissioners, Board of Revenue or like governing bodies of all counties having a population of more than 150,000 and less than 300,000 persons according to the last Federal Decennial Census, there shall be paid an expense allowance of not more than \$3,000.00 per annum, the exact amount thereof to be fixed by the governing body. Such expense allowance shall be payable in twelve monthly installments from any funds in the County Treasury available for that purpose according to law; provided, however, that the members of the governing body shall be paid in addition to their allowances provided herein their actual expenses incurred in the performance of their duties outside the County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:52 P.M.

Act No. 147

H. 163—Harper

AN ACT

To impose a privilege license or excise tax on sellers, distributors, storers, or users of malt or brewed beverages in Tallapoosa County;

providing for the administration of the act and the collection and use of the proceeds of the tax; prescribing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. A county privilege license or excise tax is hereby imposed upon every seller, distributor, storer or user of any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume) in Tallapoosa County. The tax shall be an amount equal to two cents on each twelve fluid ounces, or fractional part thereof, of malt or brewed beverages sold, used, consumed, distributed, stored, or withdrawn from storage in the county. The tax shall be in addition to all other taxes heretofore or hereafter levied or imposed; provided, that where the amount of the tax imposed by this act shall have been paid to the county by any seller, distributor, dealer, storer or user, such payment shall be sufficient, the intent being that the tax levied by this act shall be paid but once.

Section 2. The privilege or license tax authorized herein shall be collected by or under the supervision and control of the county governing body who shall be solely responsible for the administration of this act. Said body shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and may provide for devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this act. The county governing body shall be authorized to employ such personnel and inspectors to assist in the administration and enforcement of this act as may be deemed necessary.

Section 3. Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this act, and on or before the 15th day of each calendar month thereafter, file with the county governing body a written statement sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the

date or dates on which purchased, received or procured, and a detailed itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

(b) Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense.

Section 4. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the county governing body and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State.

Section 5. (a) It shall be the duty of any person subject to the license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of license tax to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the county governing body thirty days' notice in writing of his intent to destroy or dispose of such records. The county governing body or its duly authorized agent is authorized to inspect such records and to make copies of such parts of same as he may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

(b) Upon demand by the county governing body or its authorized deputy or agent, auditor or representative, it shall be the duty of any person subject to the license tax imposed by this act to furnish, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business

hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of license tax to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor, punishable according to law.

(c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the license tax due, and the required information as to sales in the several tax areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the county governing body to ascertain from such information and data as it may reasonably obtain the correct amount of license tax due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate offense.

(d) The tax shall be paid by each distributor or seller when he makes his report as required in section 3 or when he buys his decals or other devices from the county governing body, if that body requires the distributor or seller to buy decals or other devices.

Section 6. (a) It shall be the duty of the county governing body to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this act, and to furnish the same such distributors or sellers as they may be required.

(b) It shall be the duty of the county governing body to enforce the provisions of this act, and to that end its duly appointed agent is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there

be any containers not having affixed the decal or other device contemplated by this act. It shall be lawful also for any police officer or a deputy sheriff to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages.

Section 7. Collection of the tax may be accomplished in this fashion:

The governing body may procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the tax levied by this act, and may procure such forms and other printed matter and materials as may be necessary in the administration of this act. Decals or other devices may be furnished to each seller or distributor of malt or brewed beverages, upon his request therefor and payment of the amount of tax corresponding to the stated value of the decals or other devices that he procures, less a ten per cent (10%) discount; provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered.

Section 8. The proceeds of the tax, less the cost and expense of collection, shall be paid over to the custodian of public school funds of Tallapoosa County and shall be used and expended for public school purposes. Such funds shall be apportioned among the county and city school systems on the basis of the current ratio distribution formula used in apportionment of minimum program funds within the county.

Section 9. Any person, firm, or corporation who violates any provision of this act or the rules and regulations as may be provided by the county governing body shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 10. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed in the rules and regulations promulgated by the county governing body shall pay, in addition to the tax, a penalty of ten per cent of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such

penalty and interest to be assessed and collected as a part of the tax.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. The provisions of this act are cumulative.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:53 P.M.

Act No. 148

H. 166—Merrill, Lybrand, Burgess
AN ACT

To apply only in counties having populations of not less than 76,000 nor more than 96,000, fixing the compensation of members of the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census, each member of the jury commission shall be paid the sum of \$15 per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:45 P.M.

Act No. 149

H. 167—Merrill, Lybrand, Burgess
AN ACT

To apply only in counties having populations of not less than 76,000 nor more than 96,000 according to the most recent federal

decennial census, fixing the per diem pay for members of the county board of equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties of the State of Alabama having populations of not less than 76,000 nor more than 96,000 according to the most recent federal decennial census, the members of the board of equalization shall each receive \$15 per day for each day's attendance upon the sessions of the board. The increase in pay provided for by this Act shall be paid from the general funds in the county treasury.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:55 P.M.

Act No. 150

H. 168—Lybrand, Merrill, Burgess

AN ACT

To provide that each city of the State having a population of not less than 33,500 nor more than 47,000, according to the most recent Federal Decennial Census, shall establish for firemen in its fire department a schedule for work by the week which shall not exceed fifty-six (56) hours per week; and, subject to the exceptions contained in said act, to provide that no fireman in the fire department of the city shall work in excess of fifty-six (56) hours per week; to provide that the act shall not prohibit any fireman in the city from working, or prohibit any city from requiring any fireman to work, in excess of fifty-six (56) hours per week if because of some emergency the public safety or public welfare requires that he work in excess of said time; to provide that the governing body of the city shall have the power to prescribe rules and regulations for determining the existence of any emergency rendering it necessary for a fireman to work at some time other than the time covered by his normal or regular work schedule; and that the governing body may delegate to any officer of the city, including an officer or officers in the fire department, the power to make such determination; to provide that unless the governing body of a city provides otherwise, the chief of the fire department or any officer of the fire department acting for and in place of the chief of the fire department shall have authority to determine the existence of any emergency rendering it necessary for a fireman to work at some time other than the time covered by his normal or regular work schedule; and to provide that the fire department of each city for which a work schedule of fifty-six (56) hours per week is provided shall be divided into three platoons, with each platoon to be on duty for twenty-four (24) consecutive hours and off duty for forty-eight (48) consecutive hours, provided that any member of a platoon, during his off duty hours, may be ordered or called to duty in case of an emergency.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to each city of the State having a population of 33,500 or more than 47,000, according to the most recent Federal Decennial Census and shall not apply to any other city. The word "city," as used herein, means a city in the said population classification.

Section 2. Each city shall establish for firemen in its fire department a schedule for work by the week which shall not exceed fifty-six (56) hours per week; and, subject to the exceptions herein contained, no fireman in the fire department of the city shall work in excess of fifty-six (56) hours per week.

The purpose of this act is to prescribe the maximum time to be included in, or covered by, the normal or regular work schedule for firemen of the city, without prohibiting any fireman from performing duties as a member of such department at a time not covered by his normal or regular work schedule if because of an emergency the public safety or public welfare requires that he do so at a time other than that covered by his normal or regular work schedule. It is, therefore, expressly provided that this act shall not prohibit any fireman of any city from working, or prohibit any city from requiring a fireman to work, in excess of fifty-six (56) hours per week if because of some emergency the public safety or public welfare requires that he work in excess of said time. The governing body of the city shall have the power to prescribe rules and regulations for determining the existence of any emergency rendering it necessary for a fireman to work at some time other than the time covered by his normal or regular work schedule; and the governing body of the city may delegate to any officer of the city, including officers of the fire department, the power to make such determination. Unless the governing body of the city provides otherwise, the chief of the fire department or any officer of the fire department acting for or in place of the chief of the fire department shall have authority to determine the existence of any emergency rendering it necessary for a fireman to work at some time other than the time covered by his normal or regular work schedule.

Section 3. The fire department of each city for which a work schedule of fifty-six (56) hours per week is provided shall be divided into three platoons. Each platoon shall be on duty for twenty-four (24) consecutive hours, after which the platoon serving twenty-four (24) consecutive hours shall be allowed to remain off duty for forty-eight (48) consecutive hours; provided, however, that any member of a platoon during his off duty hours may be ordered or called to duty as provided for in Section 2, above.

Section 4. Subject to the approval of the governing body of the city, the chief of the fire department shall arrange a schedule of working hours to comply with the provisions of this Act.

Section 5. The pay, monthly rank or benefits of the members and officers of the fire department shall not be reduced as a result of this act.

Section 6. The provisions of this act shall not apply to the chief of any fire department.

Section 7. All laws or parts of laws, general, local, or others in conflict with this act are hereby repealed.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective sixty days after its approval by the Governor or sixty days after its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:56 P.M.

Act No. 151

H. 169—Merrill, Lybrand, Burgess

AN ACT

To regulate the compensation of members of the county board of registrars in all counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census; providing for payment of additional compensation from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census, each member of the county board of registrars shall receive fifteen dollars (\$15) per day for each day's attendance upon the session of the board. Of this, ten dollars (\$10) per day shall be paid by the state as prescribed by Act No. 531, S. 101, Regular Session 1947 (General Acts 1947, p. 388), as amended, and the remaining five dollars (\$5) shall be paid from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 3:57 P.M.

Act No. 152

H. 170—Headley

AN ACT

To amend Act No. 28, H. 18, approved June 28, 1965, providing expense allowances to members of county governing bodies of all counties having populations of not less than 25,500 nor more than 25,700.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 28, H. 18, approved June 28, 1965, (Acts 1965, v. 1, p. 47), an act providing expense allowances for members of county governing bodies of all counties having populations of not less than 25,500 nor more than 25,700.

“Section 1. The members of the court of county commissioners, board of revenue, or other like governing body of all counties in the state having a population of not less than 25,500 nor more than 25,700 inhabitants, according to the 1960 or any subsequent federal decennial census, shall be allowed one hundred dollars per month to cover the expenses incurred by them in the performance of their duties as members of such governing body within said counties, to be paid by warrant drawn on the general fund in the county treasury. Any expenses incurred by said members while performing official duties outside of said counties shall be paid in addition thereto and shall also be paid by warrant drawn on the general fund in the county treasury.”

Section 2. This amendment shall validate all expenses heretofore incurred by the members of said governing bodies.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a Law.

Approved May 14, 1969.

Time: 3:58 P.M.

Act No. 153

H. 171—Headley

AN ACT

To create the office of County Solicitor for Chilton County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Chilton County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of County Solicitor of Chilton County.

Section 2. The County Solicitor hereby created shall be elected by the qualified electors of the County of Chilton at the General Election to be held for the election of State and County officers in November, 1970, and every four years thereafter, and shall hold office for a term of four years beginning on the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified.

Section 3. A vacancy in the office of such county solicitor shall be filled by appointment of the District Attorney of the Circuit in which Chilton County then is, and the appointee shall hold office for the unexpired term and until his successor is elected and qualified.

Section 4. It shall be the duty of the county solicitor of Chilton County to represent the State of Alabama in all cases in the courts of the County, in all preliminary proceedings, applications for bail and habeas corpus and other criminal proceedings in said county requiring the services of a prosecuting attorney; to aid and act for the District Attorney of the Circuit Court before the Grand Jury and in all matters of the Circuit Court, and in the absence of the District Attorney to perform all of his duties; also to attend coroner's inquest and examine witnesses and select such witnesses as in his judgment should be and appear before the Grand Jury or before the courts on preliminary hearing or habeas corpus. That the County Solicitor be reimbursed any telephone or travel expense incurred in connection therewith.

The County Solicitor shall be clothed with all other powers and shall be charged with all duties now given or imposed upon the deputy solicitor of said Chilton County, by any laws now in force or hereafter to be prescribed by law for deputy solicitors it being the intention of this Act that said County Solicitor shall prosecute all cases in which the deputy solicitor is required to prosecute.

It shall be the further duty of the County Solicitor of Chilton County to aid and assist the sheriff and any other law

enforcement officers of Chilton County, when called upon, in making any preliminary investigations of any crime or crimes committed in the County; the School Attendance Officer or officers in the investigation of violations of School Attendance Laws; to aid and assist the pensions and security director and assistants, when called upon by them; and in the absence of the Judge and Clerk of the Law and Equity Court of Chilton County, Alabama shall have the power to take oaths in support of complaint and to issue warrants in all criminal cases provided that such warrants shall be made returnable to the Court having original jurisdiction of the offense charged.

Section 5. That the County Solicitor for Chilton County, Alabama shall receive a salary not less than \$5,400.00 per annum, to be paid out of the general fund of said County in 12 equal installments on the last day of each month.

Section 6. The sections of this Act and the parts of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective or unconstitutional shall not affect the other sections or parts thereof, it being now declared that the other parts or other sections would have been enacted regardless of any section or part of section which might be held unconstitutional, inoperative or ineffective.

Section 7. The Act of the Legislature creating the Office of Deputy Solicitor of Chilton County, Alabama general and local law, regular session 1955, Act No. 497, is hereby repealed and said office is abolished. It is further provided that Lawrence F. Gerald, Jr., who was elected Deputy Solicitor of Chilton County, Alabama in November, 1966, and who took office the first Monday after the Second Tuesday in January, 1967, be appointed and serve as County Solicitor until the first Monday after the second Tuesday in January, 1971, or until his successor is elected and qualified.

Section 8. All laws or parts of laws, both local and general, in conflict with the provisions of this Act are hereby repealed in so far as they relate to Chilton County.

Section 9. This Act shall go into effect upon its approval by the Governor.

Approved May 14, 1969.

Time: 3:59 P.M.

Relating to counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits by the sheriff, providing for the deposit of such fees in a Sheriff's Fund, and providing for the use of such fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol concealed on or about the person or in a vehicle as provided in Code of Alabama 1940, Title 14, Section 177 shall be five dollars (\$5.00), which shall be collected by the sheriff.

Section 2. Any and all monies collected as provided above, in any county within the purview of this Act shall be deposited by the sheriff in any bank located within the county into a fund known as the Sheriff's Fund. Said fund shall be drawn upon by the sheriff of the county or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit. The establishment of the Sheriff's Fund as provided in this Act, and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or for the operation of his office.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:00 P.M.

Act No. 155

H. 173—Starnes, McDonald, Drake
AN ACT

Relating to counties having populations of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits by the sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol concealed on or about the person or in a vehicle as provided in Code of Alabama 1940, Title 14, Section 177 shall be five (\$5.00), which shall be collected by the sheriff.

Section 2. Any and all monies collected as provided above, in any county within the purview of this Act shall be deposited by the sheriff in any bank located within the county into a fund known as the Sheriff's Fund. Said fund shall be drawn upon by the sheriff of the county or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit. The establishment of the Sheriff's Fund as provided in this Act, and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or for the operation of his office. All funds heretofore obtained from pistol permit fees and credited to any special fund or account in the county treasury under authority of any local or general law shall be returned to the sheriff of such county to be deposited and disbursed as provided above.

Section 3. All laws or parts of laws which conflict with this Act are repealed, and Act No. 465, Regular Session 1967 (Acts 1967, p. 1156) which Act applies to counties having populations of not less than 47,000 nor more than 49,000, and provides for pistol permit fees, is hereby expressly repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:01 P.M.

Act No. 156

H. 174—Wright, Malone

AN ACT

To amend Act No. 176, H. 255, Special Session of 1966 (Acts 1966, p. 208) which applies only in counties having populations of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census and regulates further the compensation and allowances of certain public officers and their deputies in such counties;

amending such act in relation to the compensation of the members of the boards of equalization and the members of the boards of registrars of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 176, H. 255, Special Session of 1966 (Acts, 1966, p. 208), which applies only in counties having populations of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census and regulates further the compensation and allowances of certain public officers and their deputies in such counties, is amended to read as follows:

“Section 4. In addition to the salary paid to them by the State pursuant to Code of Alabama 1940, Title 51, Section 94, as amended, each of the members of the boards of equalization of all counties to which this act applies shall receive a per diem supplement, which shall be paid in the manner and proportion prescribed in Section 94 of said title, as amended, for their regular compensation. In addition to the compensation paid to them by the State, each of the members of the boards of registrars of all counties to which this act applies shall be paid out of the general fund of the county a per diem supplement of five dollars (\$5) for each day such member is engaged in the discharge of his official duties. If there is a municipality in the county in which the total assessed value of all taxable property is equal to or greater than 50% of the total assessed value of all taxable property located in the county, then one-half of such supplement shall be paid by the county and the other one-half shall be paid by such municipality. If there is no municipality in the county in which the total assessed value of all taxable property is as much as 50% of the total assessed value of the taxable property in the county, then all such supplement shall be paid by the county out of its general fund.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:02 P.M.

Act No. 157

H. 176—Owens (W)

AN ACT

To fix expense allowances of courts of county commissioners, boards of revenue or like governing bodies of all counties having a population

of not less than 19,500 nor more than 20,000 according to the most recent federal decennial census, with retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 19,500 or more than 20,000 according to the most recent federal decennial census, each member of the governing body, including the chairman, shall be reimbursed for actual expenses while out of the county in performance of his duty.

Section 2. The provisions of this act shall be retroactive to August 1, 1965.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:03 P.M.

Act No. 158

H. 179—Fine

AN ACT

To provide an additional allowance for travel for members of the boards of equalization of all counties having populations of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Each of the members of the boards of equalization of all counties having populations of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census, shall be entitled to an allowance for travel to be paid from the county treasury, as the county governing body may direct. This allowance shall be in addition to the travel allowance paid as provided by Code of Alabama 1940, Title 51, Section 94, as amended, and shall be in such amount as when added to the travel allowance paid from the state treasury, pursuant to the above section, will make the total allowance for travel to each member \$160 per year.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:04 P.M.

Act No. 159

H. 181—Fine

AN ACT

To provide a clerk hire allowance for the Judge of Probate of all counties having a population of not less than 13,700 nor more than 14,300 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The Commissioners Court, Board of Revenue or other like governing body of all counties having a population of not less than 13,700 nor more than 14,300 according to the most recent federal decennial census, shall provide an annual allowance of \$3,000 to the judge of probate for clerk hire. Such amount shall be payable out of the general funds of the county in equal monthly installments.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:05 P.M.

Act No. 160

H. 182—Fine

AN ACT

Relating to counties having a population of not less than 13,700 nor more than 14,300 according to the most recent federal decennial census; to provide additional clerk hire allowances for the Tax Assessors and Tax Collectors.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census the Tax Assessor shall be allowed \$2,400 per annum as a clerk hire allowance and the Tax Collector shall be allowed \$1,200 per annum for clerk hire allowance to be paid in equal monthly installments from the general fund of the county.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective October 1, 1969.

Approved May 14, 1969.

Time: 4:06 P.M.

Act No. 161

H. 183—Fine

AN ACT

Authorizing the governing body of Lamar County to appropriate county funds for the relief of W. W. Winters.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners or other like governing body of Lamar County is hereby authorized and empowered to appropriate from any funds in the county treasury not otherwise appropriated not more than the sum of six thousand dollars (\$6,000) for the relief of W. W. Winters to compensate him for medical and hospital expenses incurred as the result of injuries sustained by him while performing his duties as a county employee on or about June 19, 1967. The Legislature finds that such county is morally obligated to pay such damages but the said W. W. Winters has no recourse at law to recover the same.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:07 P.M.

Act No. 162

H. 184—Laxson, Grainger, Jones, McLain,
Pennington

AN ACT

To amend Act No. 371, H. 788, Regular Session, 1963, Act of Alabama, V. 2, p. 871, an act relating to municipalities having a Mayor-Council form of government; and further regulating and establishing

the compensation to be paid to the Mayor in cities having a Mayor-Council form of government, and having a population of not less than 70,000 nor more than 130,000 according to the 1960 or any subsequent Federal Decennial Census.

Be It Enacted by the Legislature of Alabama:

Section 1.

Section 5 of Act No. 371, H. 788, Regular Session, 1963, (Acts, 1963, V. 2, p. 871) an act providing for the election, powers and duties of the Mayor in all cities having a Mayor-Council form of government and having a population of not less than 70,000 nor more than 130,000 according to the 1960 or any subsequent Federal Decennial Census, is hereby amended to read as follows:

"Section 5.

The Mayor shall devote his full time to the office of Mayor and shall receive as compensation for his services \$25,000 per annum, payable from the general fund or City Treasury in the same manner as other officers and employees of the City are paid. Provided, however, that should the general laws of the State of Alabama at any time after the passage and approval of this act authorize a salary of more than \$25,000 for the Mayor or Chief Executive officer of any city in the State having a population of 70,000 or more, according to the 1960 or any subsequent Federal Decennial Census, then in that event, the City Council of any city having a Mayor-Council form of government and having a population of not less than 70,000 nor more than 130,000 according to the 1960 or any subsequent Federal Decennial Census, is hereby authorized to prescribe and fix a salary for the Mayor not less than six months prior to each general municipal election at which the Mayor is elected in excess of \$25,000, but not exceeding the maximum amount then authorized by the general laws of the State as aforesaid."

Section 2.

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided however, that this act shall not be applied to compensation paid prior to the term of office beginning next after the general municipal election to be held in the year 1972.

Approved May 14, 1969.

Time: 4:08 P.M.

AN ACT

To permit banks now or hereafter having a combined paid-in capital and paid-in or earned surplus of at least seven hundred fifty thousand dollars, whose principal place of business is situated in counties having a population according to the 1960 or any subsequent decennial census of the United States of not less than 100,000 nor more than 115,000 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such county in which the principal place of business of said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the State Superintendent of Banks.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in and only in, counties having a population of not less than 100,000 inhabitants nor more than 115,000 inhabitants, according to the 1960 or any subsequent decennial census of the United States.

Section 2. Any bank, whether incorporated or unincorporated, within this State, now or hereafter having a combined paid-in capital and paid-in or earned surplus of at least seven hundred fifty thousand dollars and situated in such county, shall have the power to establish, maintain, and operate within the limits of any such county, where the principal place of business of such bank is situated, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the State Superintendent of Banks.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:09 P.M.

AN ACT

To authorize the giving of all or part of a human body after death for specified purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following terms, whenever used in this act, shall have the following respective meanings:

(a) "Bank or storage facility" means a facility licensed, accredited or approved under the laws of any state for the storage of human bodies or parts thereof.

(b) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(c) "Donor" means an individual who makes a gift of all or part of his body.

(d) "Hospital" means a hospital licensed under the laws of the State of Alabama, or any subdivision thereof, or under the laws and regulations of the United States government or any agency thereof.

(e) "Part" means organs, tissues, eyes, bones, arteries, blood, or other fluids and any other portions of a human body.

(f) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate trust, partnership or association, or any other legal entity.

(g) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

Section 2. Persons who may execute an anatomical gift.

(a) Any individual of sound mind and 18 years of age or older may give all or any part of his body for any purposes specified in section 3 of this act, the gift to take effect upon death.

(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 3:

(1) The spouse.

(2) An adult son or daughter.

(3) Either parent.

(4) An adult brother or sister.

(5) A guardian of the person of the deceased at the time of his death.

(6) Any other person authorized or under obligation to dispose of the body.

(c) If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or of a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after or immediately before death.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by section 7 (d).

Section 3. Persons who may become donees; purposes for which anatomical gifts may be made.

The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(a) Any hospital, surgeon or physician for medical or dental education, research, advancement or medical or dental science, therapy, or transplantation; or

(b) Any accredited medical or dental school, or college or university for education, research, advancement of medical or dental science, or therapy; or

(c) Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(d) Any specified individual for therapy or transplantation needed by him.

Section 4. Manner of executing anatomical gifts.

(a) A gift of all or part of the body under section 2 (a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b) A gift of all or part of the body under section 2 (a) of this act, may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, and in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(c) The gift may be made either to a specified donee, or without naming a donee. If the donee is not named, the attending physician may accept as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician may, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(d) The donor may designate in his will, card or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may comply or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in section 2 (b) shall be made by a document signed by him or made by his telegraphic recorded telephonic, or other recorded message.

Section 5. Delivery of document of gift. If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage, facility or registry office that accepts it for safekeeping, or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

Section 6. Amendment or revocation of the gift. (a) If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:

(1) The execution and delivery to the donee of a signed statement, or

(2) An oral statement made in the presence of two persons and communicated to the donee, or

(3) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(4) A signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a), or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (a).

Section 7. Rights and duties at death.

(a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligations to dispose of the body.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. The physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this act or with the anatomical gift laws of another state (or a foreign country) is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(d) The provisions of this act are subject to the laws of this state prescribing powers and duties with respect to autopsies.

Section 9. Short title. This act may be cited as the Alabama Uniform Anatomical Gift Act.

Section 10. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. Repeal of conflicting laws. Act #37, Regular Session 1949 (Acts 1949, p. 61) is hereby specifically repealed, and all laws and parts of laws in conflict herewith are hereby repealed; provided that nothing in this act shall be construed as repealing any provision of Code of Alabama, 1940, Title 22, Chapter 5, Sections 174 through 184.)

Section 12. Effective date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:10 P.M.

Act No. 165

S.J.R. 35—Cooper

SENATE JOINT RESOLUTION

WHEREAS, the recent Governor's Day luncheon and the affairs related thereto held in New York on April 7-8, 1969, were well attended by a representative group of the New York financial and industrial community and afforded Governor Albert Brewer an excellent opportunity to tell the Alabama Story to a distinguished audience, an opportunity of which he took full advantage, and they were joined in this meeting by many distinguished citizens of the State of Alabama; and

WHEREAS, the proceedings were informative, inspirational, and successful in every respect and bode well for the future growth and development of our State; and

WHEREAS, the meeting was conceived, organized, and carried out under the direction of Mr. James B. Somerall, President of the Pepsi-Cola Company, a graduate of the University of Alabama and a native Alabamian, and he was ably assisted in this undertaking by his capable staff;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses concurring, that we express to Mr. Somerall our deep appreciation for his energies and efforts and our pleasure at the success that was enjoyed; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mr. Somerall, Mr. D. Mitchell Cox, Vice President

for Public Relations of the Pepsi-Cola Company and to Mr. Frank Petinos of the Public Relations office of the Pepsi-Cola Company.

Approved May 14, 1969.

Time: 4:11 P.M.

Act No. 166

S.J.R. 39—Lindsey, Albea, Bailes, Branyon, Carr, Childs, Clark, Cooper, Engel, Folsom, Giles, Gilmore, Givhan, Goodwyn, Harris, Hawkins, Jackson, Leonard, Lolley, McCarley, McDermott, Morrow, Nabors, O'Bannon, Oden, Pelham, Pierce, Radney, Stone, Torbert, Turner, Vacca

SENATE JOINT RESOLUTION

WHEREAS, Death has claimed, at the cruelly early age of 40, the life of Richard E. McPhearson, Probate Judge of Choc-taw County, on April 9, 1969; and

WHEREAS, Richard McPhearson was elected to the office of Probate Judge at the age of 29, the youngest person ever to be elected to that office in the State of Alabama; and

WHEREAS, Judge McPhearson enjoyed an outstanding career in business, having had extensive banking and insurance interests in Alabama and Mississippi; he was one of the organizers and was Chairman of the Board of the First National Bank of Butler, to single out but one of his many positions of honor and responsibility; and

WHEREAS, He was a devoted and active member of the First Methodist Church, having served on the Board of Stewards, and was one of the most beloved and highly respected citizens of his community and the State of Alabama; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the many friends of Judge Richard E. McPhearson are grateful for the privilege of having known this outstanding young man, and deeply mourn his untimely death; the State of Alabama has lost one of its most brilliant and promising citizens.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to his widow, Mrs. Nancy Lee McPhearson, and to

his children, John Lee, Virginia Lynn, Richard E., Jr. and Grace Tatum McPhearson.

Approved May 14, 1969.

Time: 4:12 P.M.

Act No. 167

S.J.R. 41—McDermott, Pelham, Engel

SENATE JOINT RESOLUTION

WHEREAS, on Sunday, April 20, 1969, Mr. R. J. (Bob) Yeend of Chickasaw was called to his eternal reward by his Creator; and

WHEREAS, Mr. Yeend, a graduate of McGill Institute in Mobile, was active in the efforts to incorporate the City of Chickasaw in 1945 and 1946, and following these successful efforts, Bob Yeend was elected by his fellow citizens as the first mayor of Chickasaw in 1946 and re-elected to that office in 1948, serving as mayor until 1952; and

WHEREAS, Bob Yeend was active for many years in the real estate and insurance business in the cities of Mobile and Chickasaw and throughout Mobile County and took an interested and influential part in civic activities and other matters affecting and improving his community, especially the City of Chickasaw; and

WHEREAS, his passing constitutes a true and deep loss to the people of Mobile County and the citizens of Chickasaw; now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, that we record with a deep sense of loss the death of Mr. R. J. (Bob) Yeend and extend our sincere sympathy to Mrs. Yeend and members of his family, to whom a copy of this resolution shall be sent.

Approved May 14, 1969.

Time: 4:12 P.M.

Act No. 168

S.J.R. 43—Givhan

SENATE JOINT RESOLUTION

WHEREAS, the Honorable George P. Quarles of Selma, Alabama, died Thursday, April 24th at 5:00 P.M., after a long illness; and

WHEREAS, George P. Quarles, the son of William Washington Quarles and Ida Smith Quarles, whose forebearers were among the early settlers of Dallas County and who was himself a lifelong resident of Selma, Dallas County, Alabama, and

WHEREAS, George P. Quarles was a distinguished graduate of the Virginia Military Institute, attaining the rank of Cadet Captain, and was for long years an officer in the Alabama National Guard, attaining the rank of Colonel, and served with distinction as an officer in the Armed Forces of the United States from 1941 until his discharge in 1944 with the rank of Lt. Colonel, and subsequently served as executive officer and assistant Adjutant General of the State of Alabama from 1946 to 1950, and

WHEREAS, the said George P. Quarles was active in all forms of civic endeavor, was a longtime member of the Selma Exchange Club, and served in the State House of Representatives from 1937 until he was called to active duty in 1941, and in the Alabama State Senate from 1946 to 1953, and served as Probate Judge of Dallas County, Alabama from October 1953 to November 1954, and

WHEREAS, the death of George P. Quarles is mourned by all who knew and loved him, and the citizens of our State have thereby suffered an irreparable loss.

NOW THEREFORE BE IT RESOLVED by the Legislature, both Houses concurring, that due note of the death of the Honorable George P. Quarles be made, and the Legislature does hereby express to the members of his family their great bereavement at this time and extend to them their full sympathy.

BE IT FURTHER RESOLVED that the Legislature does hereby take due note that the State of Alabama has truly lost one of its first citizens in the death of the Honorable George P. Quarles.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journals of this body and copies forwarded to the members of the family.

Approved May 14, 1969.

Time: 4:13 P.M.

Act No. 169

S.J.R. 45—Skidmore

SENATE JOINT RESOLUTION

WHEREAS, Dr. and Mrs. Frank A. Rose will leave the University of Alabama on September 5, 1969, after a twelve year tenure of devoted service to this great institution; and

WHEREAS, The administration of Dr. Frank A. Rose as President of the University has provided the University with its period of greatest growth which is unexcelled in the entire country and for which the citizens of Alabama will forever be indebted; and

WHEREAS, Mrs. Tommye Stewart Rose has served as the University's first lady during this period, gracing the President's Mansion with charm and dignity, and materially contributing to the success of the Rose Administration.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Trustees of the University of Alabama is hereby authorized to designate the new Administration Building on the main campus of the University of Alabama as "Frank Anthony Rose Hall" and the new thirteen story married student apartment building also under construction on the main campus of the University of Alabama as "Tommye Stewart Rose Tower" in honor of Dr. and Mrs. Rose.

Approved May 14, 1969.

Time: 4:14 P.M.

Act No. 170

S.J.R. 49—Carr

SENATE JOINT RESOLUTION

WHEREAS Miss Catherine Brasher of Albertville High School has been selected by the State Department of Education as the "Outstanding Biology Teacher in Alabama"; and

WHEREAS Miss Brasher's selection from among 550 biology teachers in this state is indeed a signal honor and one which is richly deserved by a fine, dedicated master teacher who has the esteem and affection of her students and fellow faculty members; and

WHEREAS Miss Brasher has not only been an effective and inspirational instructor who has been instrumental in organizing, planning and developing the Marshall County In-

Service Training Program in Science for the past seven years, but she has also found time to sponsor the high school annual and to direct young people's activities in her church; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Brasher for her devotion to her chosen profession and congratulate her upon the well deserved recognition which has come to her.

RESOLVED FURTHER that copies of this resolution be sent to Miss Brasher and to the Marshall County Board of Education.

Approved May 14, 1969.

Time: 4:15 P.M.

Act No. 171

S.J.R. 50—Leonard

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that certain road extending from the intersection of Interstate Highway 20 at Estaboga, Alabama, and past the speedway to the intersection of State Road 77 and Interstate Highway 20 be named and designated "Talladega Speedway Boulevard."

BE IT FURTHER RESOLVED, That the State Highway Department shall cause appropriate markers or signs to be erected so designating this portion of highway as "Talladega Speedway Boulevard."

Approved May 14, 1969.

Time: 4:16 P.M.

Act No. 172

H.J.R. 51—Ellis, Adwell, Waggoner,
Sessions, Holman, Gloor,
Watkins, Gafford,
House, Bowers,
Jackson (F), Cook
(Jefferson), Crane,
Yeilding, Money, Dill,
Weeks, Cherner

HOUSE JOINT RESOLUTION

WHEREAS officer Azell L. Harris a veteran of many years of faithful service to the people of Birmingham and to the police department of that city, has been foully slain while preventing an armed robbery; and

WHEREAS the people of Alabama are deeply in debt to officer Harris for his devotion to their protection and defense; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our profound sorrow at the untimely death of Azell Harris at the hands of criminals, and extend our heartfelt sympathy to his mother, his wife and his children.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the family of Azell Harris.

Approved May 14, 1969.

Time: 4:17 P.M.

Act No. 173

S.J.R. 52—Childs, Bailes, Morrow, Gilmore,
Vacca, Dominick, Hawkins

SENATE JOINT RESOLUTION

WHEREAS officer Azell L. Harris a veteran of many years of faithful service to the people of Birmingham and to the police department of that city, has been foully slain while preventing an armed robbery; and

WHEREAS the people of Alabama are deeply in debt to officer Harris for his devotion to their protection and defense; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our profound sorrow at the untimely death of Azell Harris at the hands of criminals, and extend our heartfelt sympathy to his mother, his wife and his children.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the family of Azell Harris.

Approved May 14, 1969.

Time: 4:17 P.M.

Act No. 174

S.J.R. 54—Harris

SENATE JOINT RESOLUTION

WHEREAS, Mr. F. O. Smith, a resident of Decatur, who was a moving force in the development of the first trade school in Decatur and has also been quite active in promoting the development of the John C. Calhoun Junior College and Technical School, has rendered invaluable service to that community and the surrounding area by his continuing interest in the promotion of education, particularly in training for trades and industries; now, therefore

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the new cafeteria building at the John C. Calhoun Junior College and Technical School at Decatur be named, designated and known as "The F. O. Smith Cafeteria" as a fitting tribute to Mr. Smith.

Approved May 14, 1969.

Time: 4:18 P.M.

Act No. 175

H. 101—Beck, Holladay, Shumate, Bowers,
Lemley, Owen (Baldwin), Dobbs,
Watkins, Starnes, Laxson,
Blanton

AN ACT

To permit the residents of Alabama to sell certain firearms and ammunition to residents of adjoining states, and to permit them to buy said firearms and ammunition in adjoining states.

Be It Enacted by the Legislature of Alabama:

Section 1. Any resident of Alabama authorized to sell and deliver rifles, shotguns and ammunition may sell and deliver them to a resident of any state adjoining Alabama. Any purchaser of such firearm or ammunition may take or send it out of the state, or have it delivered to his place of residence.

Section 2. Any resident of Alabama who legally purchases rifles, shotguns and ammunition in any state adjoining Alabama, may take delivery of said weapons either in the state where they were purchased, or in Alabama.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:19 P.M.

Act No. 176

H. 192—Neville

AN ACT

To amend Act No. 203, S. 131, Special Session 1965 (Acts of Alabama Special Session 1965, p. 272), relating to the collection and enforcement by the state department of revenue of certain privilege license taxes levied by cities and towns, so as to include taxes on rentals of rooms, lodgings and accommodations.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 2 and 3 of Act No. 203, S. 131, Special Session 1965 (Acts of Alabama, Special Session 1965, p. 272) relating to the collection and enforcement by the state revenue department of certain privilege taxes levied or assessed by cities or towns are amended to read as follows:

“Section 1. The state revenue department shall collect any municipal privilege license taxes levied or assessed by any city or town under the provisions of a municipal ordinance duly promulgated and adopted by the governing body of the city or town upon the request by resolution of the council or commission of such city or town and upon the filing with said department a certified copy of the ordinance levying the tax, whenever such levy parallels the state levy except for the rate of the tax, and is subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments and deductions as are applicable to the state sales and use taxes and the state tax on the rental of rooms, lodgings and accommodations as levied respectively by Act No. 100, H. 94, Special Session 1959, and Article 11, Chapter 20, of Title 51, Code of Alabama 1940, and Act No. 248, H. 87, Regular Session 1955, and all acts amendatory thereof and supplemental thereto, except where inapplicable or where herein otherwise provided, including provisions for enforcement and collection of the taxes.

“Section 2. Such municipal taxes shall be collected by the state department of revenue at the same time and along with

the collection by the department of taxes levied and collected for the state under the respective provisions of said Act No. 100, H. 94, Second Special Session 1959, and Article 11 of Chapter 20, Title 51 Code of Alabama 1940, and said Act No. 248, H. 87, Regular Session 1955 as amended; and all reports required to be made to the commissioner of revenue hereunder shall, on request made to the department of revenue, be made available for inspection by the governing body of the city or town, or its designated agent, at reasonable times during business hours.

“Section 3. The department of revenue shall prepare and distribute such reports, blank forms, and other information as may be necessary to provide for collection of municipal taxes under this Act, and shall have all the authority and duties hereunder as it has in connection with the collection of the state sales and use taxes provided for by said Act No. 100 and said Article 11 of Chapter 20, Title 51, Code 1940, as amended and supplemented, and with the collection of the state tax on the rental of rooms, lodgings and accommodations provided for by said Act No. 248.”

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:20 P.M.

Act No. 177

H. 92—Holladay

AN ACT

TO ALTER, REARRANGE AND EXTEND THE BOUNDARIES AND CORPORATE LIMITS OF THE CITY OF PELL CITY, ST. CLAIR COUNTY, ALABAMA, SO AS TO ANNEX CERTAIN TERRITORY TO THE CITY.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the City the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

Section 11, Township 17, Range 3 East.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:30 P.M.

Act No. 178

H. 94—Culver, Bank, Robertson, Brown

AN ACT

To provide for the compensation of jurors in Tuscaloosa County; repealing conflicting laws and specifically repealing Act No. 71, H. 291 and Act No. 454, H. 876, Regular Session 1947 (Acts 1947, pps. 52 and 317).

Be It Enacted by the Legislature of Alabama:

Section 1. The per diem of jurors, grand and petit, in Tuscaloosa County, shall be ten dollars (\$10), which sum shall be the entire compensation of each juror and in lieu of all other per diem, mileage, ferriage and toll heretofore authorized.

Section 2. When proved by oath of the juror before the clerk of the court, it shall be the duty of said clerk to give each juror a certificate stating the number of days the juror has served and the amount of compensation to which he is entitled. Such certificate shall be received in payment of county taxes and other county dues, and shall be payable out of the county treasury.

Section 3. All laws and parts of laws in conflict with this act are hereby repealed and Act No. 71, H. 291 and Act No. 454, H. 876, Regular Session 1947, (Acts 1947, pps. 52 and 317) are specifically repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:31 P.M.

Act No. 179

H. 98—Burgess, Lybrand, Merrill

AN ACT

Relating to counties having a population of not less than 76,000 nor more than 96,000 according to the most recent federal decennial

census; to provide for the appointment of an Assistant Chief Clerk in the office of the Judge of Probate of such counties; to define his duties and authority; to direct the filing of a bond and provide for the compensation of such position.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Probate Courts and to the Office of Judge of Probate in all counties having a population of not less than 76,000 nor more than 96,000 according to the most recent federal decennial census. There shall be an Assistant Chief Clerk in each said county who shall be appointed by the Judge of Probate as other employees of said office are appointed.

Section 2. The Assistant Chief Clerk shall have the powers, authority and responsibilities now vested or which may hereafter be vested by law in the Chief Clerk of the Judge of Probate office and specifically all the powers, duties, authority and responsibilities provided in Chapter 5 of Title 13, Code of Alabama of 1940 as recompiled by 1958 Code, for the Chief Clerk.

Section 3. Such Assistant Chief Clerk, before he enters upon his duties, must take the oath and give bond as provided in Title 13, Section 301, Code of Alabama 1940 as recompiled by 1958 Code.

Section 4. The salary of the Assistant Chief Clerk shall be fixed by the Judge of Probate as other employees of the office are fixed and shall be payable in equal monthly installments from the general fund of the county.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:32 P.M.

Act No. 180

S. 5—Nabors

AN ACT

To alter or rearrange the boundary lines of the Town of Sardis City, Etowah County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory now embraced within the Town of Mountainboro, Etowah County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the Town of Sardis City, Etowah County, Alabama, be, and the same are altered or rearranged so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in the Town of Mountainboro, Etowah County, Alabama as hereinbelow set out, all of which territory lying within the County of Etowah, State of Alabama, and said additional territory being particularly described as follows, to-wit:

Begin at the Northwest corner of Fraction 12, Section 17 which is a point on the present corporate limit line; thence in a southerly direction and along the West line of said Fraction 12 a distance of 424 feet more or less to a point where same intersects the easterly right of way line of the Louisville and Nashville Railroad; thence in a southeasterly direction and along the easterly right of way line of said Railroad a distance of 1015 feet more or less to a point where same intersects the South line of said Fraction 12; thence in an easterly direction and along the South line of said Fraction 12 a distance of 949 feet more or less to the Southeast corner of said Fraction 12 said point also being the Northwest corner of Fraction 3, Section 20 and the Northwest corner of McClesky Home Sites Sub-Division, as recorded in the office of the Judge of Probate, Plat Book "F", Page 353; thence in a southerly direction and along the West line of said Fraction 3 and the West line of said McClesky Home Sites a distance of 1062 feet more or less to the Southwest corner of Lot 12 of said McClesky Home Sites; thence in an easterly direction and along the South line of said Lot 12 to the Southeast corner thereof; said point also being on the West right of way line of U. S. Highway 431; thence continue in said easterly direction and in a direct line as if the South line of said Lot 12 was extended to a point where said projected line intersects the East right of way line of U. S. 431; thence in a Northwesterly direction and in a direct line along the West line of said U. S. 431 to a point in the North line of said Fraction 12; thence in a Westerly direction along the North line of Fraction 12 to the point of beginning, said description embracing portions of Fraction Twelve (12) in Section Seventeen (17), and Fraction Three (3) in Section Twenty (20), all in Township Ten (10) South, Range Five (5) East of Huntsville Meridian, in Etowah County, Alabama.

Section 2. That the parcels of land set out in Section 1 of this Act be, and the same are hereby included and embraced within the boundary of the Town of Sardis City and shall be and constitute a part of the Town of Sardis City, Etowah County, Alabama.

Section 3. That all laws and parts of laws both general, special, and local, in conflict with this Act be, and the same are hereby repealed.

Section 4. That this Act shall go into effect immediately upon its approval by the Governor.

Approved May 14, 1969.

Time: 4:33 P.M.

Act No. 181

S. 21—Radney

AN ACT

To amend Act No. 822, H. 742, Regular Session 1961 (Acts 1961, p. 1208) relating to Tallapoosa County, for the purpose of increasing the salary of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 122, H. 742, Regular Session 1961 (Acts 1961, p. 1208) is hereby amended to read as follows:

“Section 1. The superintendent of education of Tallapoosa County shall be entitled to receive an annual salary of not less than nine thousand dollars (\$9,000.00), the exact amount to be fixed by the county board of education. Such salary shall be paid in equal installments out of the public school funds of the county.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:34 P.M.

Act No. 182

S. 22—Radney

AN ACT

To amend further Act No. 17, H. 114, Regular Session 1949 (Acts 1949, p. 30) relating to Tallapoosa County; to increase the compensation of the members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 17, H. 114, Regular Session 1949 (Acts 1949, p. 30) as amended, is hereby amended further to read as follows:

"Section 1. The members of the county board of education in and for Tallapoosa County, Alabama shall receive, from the public school funds of the county, a salary of one thousand two hundred dollars (\$1,200.00) per annum, payable in monthly installments, and their actual traveling and hotel expenses incurred in attending meetings of the board and transacting the board's business."

Section 2. This Act shall become effective as to all members of the county board of education immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire, as prescribed in the amendment to the Constitution of 1901 proposed by Act No. 748, S. 476 (Acts 1951, p. 1298) submitted May 6, 1952, and proclaimed ratified May 16, 1952. (Proclamation Record, Vol. I, p. 4).

Approved May 14, 1969.

Time: 4:35 P.M.

Act No. 183

S. 23—Radney

AN ACT

To authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries in Tallapoosa County; and to provide for the taxing and collection of law library fees as item: of court costs in cases docketed in certain courts within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In each civil or quasi-civil action at law, suit in equity, criminal or quasi-criminal case or any other proceeding filed in, arising in, or brought by appeal, certiorari, or otherwise in the circuit court of Tallapoosa County at Alexander City; Circuit Court of Tallapoosa County at Dadeville; or in the Court of Common Pleas of Tallapoosa County, Alabama; there shall be taxed as part of the costs the sum of One Dollar (\$1.00). The fees taxed under this act shall be collected as other costs in such cases are collected; and when collected by the clerks or other collecting officers of such courts (including the Register of the Circuit Court) shall be paid to the Treasurer or depository of Tallapoosa County for deposit in the county treasury as here set forth. The sums so paid over to the county treasurer or depository shall be maintained in separate accounts in the county treasury, designated as Tallapoosa County Law Library, Dadeville Division, and Tallapoosa County Law Library, Alexander City Division. Funds collected from court

cases in the Alexander City Division shall be deposited in the Alexander City Division account; and funds collected from court cases in the Dadeville Division shall be deposited in the Dadeville Division Account. Said funds shall be expended by the Judge of the Court of Common Pleas of Tallapoosa County, Alabama, for establishing, maintaining, equipping and operating a law library at Dadeville, Alabama, and at Alexander City, Alabama. The said Judge shall draw warrants on the county treasury in making expenditures for the purposes contemplated in this act and shall indicate on the warrants the fund against which the warrants are drawn. The said items of costs above referred to shall be designated as law library fee; and when any part of the costs in a case has been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of costs. On or before the tenth day of each month, the clerks or other collecting officers of the respective courts (including the register of the Circuit Court) shall pay over to the county treasurer or depository all amounts collected as law library fees previously to the first day of the month. The management of the law library is vested in the Judge of the Court of Common Pleas of Tallapoosa County, Alabama. All books or other property purchased with the funds produced by this Act shall be the property of Tallapoosa County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or part of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:36 P.M.

Act No. 184

S. 60—Folsom

AN ACT

Relating to all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, providing expense allowances for the chairman and members of the board of revenue, court of county commissioners or other like county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, the members of the board of revenue, court of county commissioners or other like county governing body shall each receive an expense allowance of one hundred dollars (\$100) per month, and the chairman of such county governing body shall receive an expense allowance of one hundred fifty dollars (\$150) per month. The expense allowances provided herein shall be in addition to all other compensation and allowances provided for the chairman and members of any such county governing body, and shall be paid out of the county treasury of any county to which this act applies.

Section 2. The provisions of this act are cumulative.

Section 3. This act shall become effective on the first day of the first month next following the date of its enactment.

Approved May 14, 1969.

Time: 4:37 P.M.

Act No. 185

S. 61—Folsom

AN ACT

Relating to all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census; providing an additional expense allowance to the judge of the inferior court or intermediate court.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, the judge of the inferior court or intermediate court shall be provided an expense allowance of \$2,600 per annum. Such allowance which shall be in addition to all other compensation and allowances for such judges, shall be payable in equal monthly installments from the general funds of any county to which this act applies.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the first month next following the date of its enactment.

Approved May 14, 1969.

Time: 4:38 P.M.

Act No. 186

S. 62—Folsom

AN ACT

To provide expense allowances for tax assessors and tax collectors in all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census, the tax collector and tax assessor shall each be entitled to an expense allowance of \$1200 per annum. Such allowance, which shall be in addition to all other allowances to such officers, shall be paid in equal monthly installments from the general funds of any county to which this Act applies.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:40 P.M.

Act No. 187

S. 63—Folsom

AN ACT

Relating to all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census; providing further for the compensation of members of the county board of education, county commission on education or other like public body having general administration and supervision of the public schools of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, the members of the county board of education, county commission on education or other like public body having general administration and supervision of the public schools of the county shall be paid twenty-five dollars (\$25.00) a day for attending meetings of the board, commission or other like public body, and actual traveling and hotel expenses in-

curred; provided, they shall not be allowed pay or expenses for more than twenty-four days in any one year. Such compensation shall be paid from the public school funds of any county to which this act applies.

Section 2. The provisions of this act are cumulative, but all laws and parts of laws in direct conflict herewith are hereby repealed.

Section 3. This act shall become effective July 1, 1969.

Approved May 14, 1969.

Time: 4:45 P.M.

Act No. 188

S. 64—Folsom

AN ACT

Relating to all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census; providing an expense allowance for the coroner in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, the coroner shall be provided an expense allowance of \$100 per month which shall be in addition to all other compensation and allowances. Such allowance shall be paid to the coroner from the general funds of any county to which this act applies in the same manner as salaries and expenses are paid to other county officers.

Section 2. This act is cumulative.

Section 3. This act shall become effective on the first day of the first month next following the date of its enactment.

Approved May 14, 1969.

Time: 4:46 P.M.

Act No. 189

S. 65—Folsom

AN ACT

Relating to all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census; providing an additional expense allowance to the circuit clerk in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, the circuit clerk shall be provided an expense allowance of \$100 per month. Such allowance, which shall be in addition to all other salary, compensation and allowances of the circuit clerk, shall be paid from the general funds of any county to which this act applies.

Section 2. The provisions of this act are cumulative.

Section 3. This act shall become effective on the first day of the first month next following the date of its enactment.

Approved May 14, 1969.

Time: 4:47 P.M.

Act No. 190

S. 66—Folsom

AN ACT

To authorize all cities having populations of not less than 10,800 nor more than 11,400 according to the most recent federal decennial census to establish, maintain and operate a non-profit ambulance service.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of all cities having populations of not less than 10,800 nor more than 11,400 according to the most recent federal decennial census is hereby authorized to establish, maintain and operate an ambulance service to promote the health, welfare and safety of residents of such cities, and of the counties in which such cities are located, and of areas in general proximity thereto and to other persons traveling within such cities, their counties and areas of general proximity. Toward this end such cities may appropriate public funds, employ such personnel and purchase and maintain such equipment and other facilities as may be necessary for such purpose.

Section 2. The governing body of such cities shall provide rules and regulations for the operation of such ambulance service which shall include when necessary or advisable, the transportation of ill or injured persons to or from hospitals in metropolitan areas of this state, and may authorize the service to charge and collect fees for services rendered. Provided, that such charges shall be based solely on the cost of operating the service, which shall not be operated for profit.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:48 P.M.

Act No. 191

S. 71—Branyon

AN ACT

Relating to counties having populations of not less than 15,500 nor more than 16,300; regulating the compensation and number of meetings of members of the county boards of education of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county boards of education of all counties having populations of not less than 15,500 nor more than 16,300, according to the last or any subsequent federal decennial census, shall each receive from the public school funds of the county the per diem compensation now prescribed by law and their actual traveling and hotel expenses incurred in attending meetings of the board and in transacting the business of the board. The members of the board shall not be allowed pay for more than twenty four days in any one year and their expenses shall be paid in the manner provided for payment of compensation of teachers of such counties.

Section 2. All laws and parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect July 1, 1969.

Approved May 14, 1969.

Time: 4:49 P.M.

Act No. 192

S. 77—Albea

AN ACT

Relating to counties having a population of not less than 76,000 nor more than 96,000 according to the most recent federal decennial census;

to provide for the appointment of an Assistant Chief Clerk in the office of the Judge of Probate of such counties; to define his duties and authority; to direct the filing of a bond and provide for the compensation of such position.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Probate Courts and to the Office of Judge of Probate in all counties having a population of not less than 76,000 nor more than 96,000 according to the most recent federal decennial census. There shall be an Assistant Chief Clerk in each said county who shall be appointed by the Judge of Probate as other employees of said office are appointed.

Section 2. The Assistant Chief Clerk shall have the powers, authority and responsibilities now vested or which may hereafter be vested by law in the Chief Clerk of the Judge of Probate office and specifically all the powers, duties, authority and responsibilities provided in Chapter 5 of Title 13, Code of Alabama of 1940 as recompiled by 1958 Code, for the Chief Clerk.

Section 3. Such Assistant Chief Clerk, before he enters upon his duties, must take the oath and give bond as provided in Title 13, Section 301, Code of Alabama 1940 as recompiled by 1958 Code.

Section 4. The salary of the Assistant Chief Clerk shall be fixed by the Judge of Probate as other employees of the office are fixed and shall be payable in equal monthly installments from the general fund of the county.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:50 P.M.

Act No. 193

S. 79—Jackson

AN ACT

Relating to counties having populations of not less than 33,000 nor more than 35,000; according to the most recent federal decennial census; providing for the payment or reimbursement by said counties to the members, including the chairman, of the board of revenue, court of county commissioners, or other like governing body, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the

National Association of County Commissioners and the Alabama Association of County Commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all salaries, travel and other expenses now provided or allowed by law to be paid to them, each member, including the chairman, of the board of revenue, court of county commissioners, or other like governing body of every county in the state having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census, shall be paid or reimbursed by the county for his actual expenses incurred in the performance of his duties outside the county of his residence, including expenses incurred in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners. Expenses for attending conventions shall be limited to necessary expenses of travel to and from such officer's home to the place of such convention and to his reasonable expenses actually incurred for maintenance during the time he is participating in such convention. Provided, that the total amount of all expenses allowed any one member of the county governing body, including the chairman, shall not exceed \$500.00 in any one year.

Section 2. Each member of the county governing body, including the chairman, shall submit a statement of his expenses to the entire membership of such body for its approval. It shall not be necessary for such statement to be accompanied by receipts or vouchers, but the statement shall be sworn to by each person submitting the same. Such expenses shall be paid out of the county treasury upon the approval of the chairman and the entire membership of the county governing body upon the warrant of the chairman that such payment is due.

Section 3. All payments heretofore made by such counties to members of its county governing body as reimbursement for such expenses are hereby validated.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:51 P.M.

AN ACT

To authorize each municipality at any time having a population as great as 200,000 and not exceeding 325,000, according to the then next preceding Federal Census, to acquire, own, improve, maintain, and operate within the county in which such municipality is located, a public transit system for the transportation of passengers for hire; to provide that any such municipality shall have the power to expend moneys with respect to any such system; and to provide for the use by any such municipality of public roads in the said county in the operation of such system.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases, wherever used in this act, shall have the respective meanings hereinafter ascribed to them:

"Federal Census" means any decennial census and any special census made by or under the direction of the Bureau of the Census of the United States Department of Commerce, or by any other bureau or agency of the United States that may succeed to the functions of the said Bureau of the Census.

"Municipality" means as of any particular time a municipal corporation organized under the laws of this state that has a population as great as 200,000 and not exceeding 325,000, according to the then next preceding Federal Census.

"Passenger Transit Vehicle" means and includes any of the following that has space for seven or more seated passengers: street railway cars, trolley coaches propelled by electric power drawn from an outside source by means of connection with fixed overhead apparatus, and self-propelled motor vehicles whether or not operated on tracks.

"Public Transit System" means any plant, property or facility used or suitable for use in the transportation of the public as passengers for hire by passenger transit vehicles, including the said passenger transit vehicles, tracks, overhead apparatus and other appurtenances thereto, garages, shops and other facilities for the storing, parking, maintenance and repair of such vehicles, administrative buildings, and other structures, equipment and properties necessary or convenient to the operation of passenger transit vehicles for transportation of the public as passengers for hire.

Section 2. Authorization of Municipalities to Acquire and Operate Transit Systems. Each municipality shall have power to acquire, own, improve, maintain, and operate, within the county in which such municipality is located, a public transit system; and shall have the power to expend moneys for

acquisition, improvement, maintenance and operation of a public transit system.

Section 3. Use of Public Roads. Each municipality is hereby authorized to use in the operation of its public transit system the rights of way of all public roads in the county in which the said municipality is located; all without securing the prior approval of the State of Alabama or of its agencies or departments or the governing body of the said county and subject only to the necessity of obtaining any consent by another municipal corporation that is required by Section 220 of the Constitution of Alabama; provided, however, that nothing herein shall be construed to exempt any municipality from the requirements of Section 28 of Title 23 of the Code of Alabama of 1940; and provided, further, that each municipality shall have the duty to restore at its expense any public rights of way in which it may have done any work in laying tracks or performing other functions in the operation of its public transit system.

Section 4. Effective Date. This act shall become effective upon its being signed by the Governor or upon its otherwise becoming law.

Approved May 14, 1969.

Time: 4:52 P.M.

Act No. 195

S. 78—Jackson

AN ACT

To amend Section 9 of Title 19, Code of Alabama 1940, relating to the condemnation of property already devoted to public use, so as to provide that this section shall not apply to certain crossings of a railway right-of-way within counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Title 19, Code of Alabama 1940 relating to the condemnation of certain property is amended to read as follows:

“Section 9. Property already devoted to public use, how condemned.—If the property sought to be condemned, or any portion thereof, or interest therein, has already been subjected to or devoted to a public use, such land or portion thereof, or interest therein, shall not be taken for another and different character of public use unless an actual necessity for the specific land or portion thereof or interest therein shall be

alleged and proven, and unless it be alleged and proven that such other and different character of public use will not materially interfere with the public use to which such property is already subjected or devoted. Provided, however, that this section shall not apply to any crossing, at grade or otherwise, of the right-of-way of any railway company, when such crossing is made by any state highway, county road or city street within counties having populations of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:53 P.M.

Act No. 196

S. 96—Adams

AN ACT

To establish in the 20th Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Judge of the said 20th Judicial Circuit, Place No. 2; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the General Funds of Houston and Henry Counties of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That in the 20th Judicial Circuit of Alabama (composed of Henry County and Houston County), there is hereby established the office of Clerk-Secretary to the Circuit Judge of the 20th Judicial Circuit of Alabama, Place No. 2.

Section 2. Immediately upon the passage of this Act, and its approval, the Circuit Judge of the 20th Judicial Circuit of Alabama, Place No. 2, shall appoint a Clerk-Secretary who shall serve at the pleasure of the said Circuit Judge, and the said Clerk-Secretary may be removed from office at any time by the said Circuit Judge.

Section 3. The said Clerk-Secretary shall do all of the clerical and secretarial work required of such Clerk-Secretary by the Circuit Judge of said 20th Judicial Circuit of Alabama, Place No. 2, and shall keep such records and perform such other duties pertaining to the office of the Circuit Judge, as such Clerk-Secretary shall be instructed or required to do by

the said Circuit Judge of said 20th Judicial Circuit of Alabama, Place No. 2.

Section 4. The said Clerk-Secretary to the Circuit Judge of the 20th Judicial Circuit of Alabama, Place No. 2, shall receive a salary to be fixed and determined by said Circuit Judge, not to exceed the sum of Four Thousand Eight Hundred Dollars per annum, which shall be payable in monthly installments out of the general fund of the counties composing said 20th Judicial Circuit of Alabama, each county to pay its pro rata of such salary, based upon the assessed value of all taxable property of such county or counties for the preceding year, on certificate issued by the Circuit Judge in favor of such Clerk-Secretary.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:54 P.M.

Act No. 197

S. 113—Lolley

AN ACT

To amend Section 4 of Act No. 201, entitled "An Act to establish in the 20th Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Solicitor of said 20th Judicial Circuit; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the General Funds of Houston and Henry Counties of Alabama." (Acts of the Legislature of Alabama, 1963, Volume 1, page 599)

Be It Enacted by the Legislature of Alabama:

Section 1. That section 4 of Act No. 201, entitled "An Act to establish in the 20th Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Solicitor of said 20th Judicial Circuit; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the General Funds of Houston and Henry Counties of Alabama." (Acts of the Legislature of Alabama, 1963, Volume 1, page 599), approved July 25, 1963, be, and same is hereby amended to read as follows:

"Section 4. The said Clerk-Secretary to the District Attorney of the 20th Judicial Circuit of Alabama shall receive a salary to be fixed and determined by said District Attorney,

not to exceed the sum of Four Thousand and Eight Hundred Dollars per annum, which shall be payable in monthly installments out of the general fund of the counties composing said 20th Judicial Circuit of Alabama, each county to pay its pro rata of such salary, based upon the assessed value of all taxable property of such county or counties for the preceding year, on certificate issued by the District Attorney of the 20th Judicial Circuit of Alabama in favor of such Clerk-Secretary.

Section 5. This Act shall become effective upon its passage and approval.

Approved May 14, 1969.

Time: 4:55 P.M.

Act No. 198

S. 120—Adams

AN ACT

RELATING TO CITIES HAVING A POPULATION OF NOT LESS THAN 30,000 NOR MORE THAN 31,500 INHABITANTS

Be It Enacted by the Legislature of Alabama:

Section 1. BEFORE the governing body of any city having a population of not less than 30,000 nor more than 31,500 inhabitants according to the 1960 or any subsequent federal decennial census, which city now or hereafter owns a water-works plant and system, a sewer plant and system, an electric plant and system, and a gas plant and system, or any one or more of such plants and systems, shall be authorized to transfer and convey one or more of such plants or systems, or any part of such plants or systems, or any rights incidental thereto to any board or public corporation organized under Title 37, Chapter 7, Sections 360 et seq, Code of Alabama Recompiled 1958, as amended, or under any subsequent act providing for the incorporation of like boards to own and operate any water-works plant or system, any sewer plant or system, any electric plant or system, or any gas plant or system, whether such board was incorporated with the approval of the city owning such plant or system, or with the approval of some other City in Alabama, the governing body or such city owning any such plant and/or systems shall provide for an election at which the qualified voters of such city shall be allowed to vote on such proposition, which election shall be held according to Act No. 217, Sections 13 through 19, Regular Session in 1961 of the Alabama Legislature, except that no written petition or petitions to the governing body of such city owning such plants

or systems shall be required for the holding of any such election herein provided for.

Section 2. Except as herein provided for, and the time of holding the same, all elections herein required shall be held according to the general laws of Alabama. At any such election the proposition to be submitted to the voters shall be: "Shall the governing body of the city of be authorized to transfer and convey the city owned water works plant and system, sewer plant and system, electric plant and system, gas plant and system, or any one or more thereof, or any part or parts of such plants and systems, or any rights incidental thereto to any board or public corporation organized under Title 37, Chapter 7, Sections 360 et seq, Code of Alabama Recompiled 1958, as amended, or to any board created or established by any subsequent act providing for the incorporation of like boards to own and operate any such plant and/or systems, the members of which board will not be elected by the qualified voters of the city of"

"NO..... YES....."

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the governor, or its otherwise becoming a law.

Approved May 14, 1969.

Time: 4:56 P.M.

Act No. 199

H. 91—Stubbs, Turnham, Ellis, Dill,
Yeilding, Headley, Snell,
Jackson (Jefferson), Meeks,
Smith, McDonald, Marr,
Cook (Coffee), Cook
(Jefferson), Bank,
Pennington, Laxson, House,
Owens (W), Fine, Holladay,
Tuck, Mathews,
McCorquodale, Graham,
Berryman (R), Grainger,
Wright, Malone, Hill,
Manley, Pruitt

AN ACT

To change the name of Alabama College to University of Montevallo, amending Section 456 of Title 52, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 456 of Title 52, Code of Alabama 1940, relating to the establishment of a state institution of higher learning at Montevallo, is amended to read as follows:

"Section 456 Establishment.—The school heretofore established at Montevallo as the "Alabama Girls' Industrial School," subsequently known as and called "The Alabama Girls' Technical Institute," later known as and called "The Alabama Technical Institute and College for Women" and still later known as and called "Alabama College" is and shall remain a body corporate under the corporate name of "University of Montevallo," and by that name may sue and contract, acquire and hold real and personal property, and have and exercise all the powers of a corporation established to carry on a state educational institution of higher learning and shall succeed to all the rights, privileges, emoluments, benefits, interests and titles heretofore at any time vested in said institution in its respective names. None of the powers, authority, or functions of the corporation provided for in Chapter 24 of Title 52, Code of Alabama 1940, shall be abated or impaired by this section. Only the name of the institution shall be changed by this section. Whenever such institution is referred to in the Constitution and in the laws of Alabama by any one of the respective names by which it has been known, the same shall be considered to refer to University of Montevallo."

Section 2. This Act shall become effective September 1, 1969.

Approved May 14, 1969.

Time: 4:57 P.M.

Act No. 200

H. 120—Dobbs, Shumate

AN ACT

To provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Walker County.

Section 2. As used in this Act, unless the context clearly requires a different meaning: "county" means Walker County; "employee" means any person not excepted by Section 3 of this Act who is regularly employed in the service of Walker County; "board" means the civil service board created by this Act; "appointing authority" means in the case of employees in the offices of the elected officers of the county, such elected officers; in the case of all other county employees, the county governing body, or the board or other agency supervising their work.

Section 3. The provisions of this Act shall apply to all officers and employees in the service of the county or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive boards, commissions, and committees; (c) all employees of the county board of education; (d) attorneys, physicians, surgeons, and dentists employed in their professional capacities; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof; (h) employees of any other board or commission created by the county governing body.

Section 4. All employees of the county shall be governed by civil service rules and regulations prescribed in or promulgated pursuant to this Act, administered by a civil service board, the creation of which is provided for in Section 5 hereof. Present employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and such employees, except for appointment, shall be subject fully to the provisions of this Act.

Section 5. There is hereby created the Civil Service Board of Walker County, which shall be composed of three members appointed by the Governor, upon nomination in writing by members of the Walker County legislative delegation as follows: the senator and each representative may submit not more than three nominations for each place to be filled, and the appointment, or appointments, shall be made from among those persons thus nominated; if the same person is nominated by all members of the delegation, the person thus nominated shall be appointed; if the legislative delegation is divided, the nominee favored by the majority shall be appointed. If no person receives a majority nomination, each member of the legislative delegation may forthwith submit in writing an additional nom-

inee until some person receives a majority nomination and such person shall be forthwith appointed. Of the first members of the board one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. Their successors shall be appointed for terms of six years. No person shall be appointed to the board who is not a resident and qualified elector of Walker County and over the age of twenty-one years. No member of the board shall hold any office of profit under a city, county, or the State of Alabama. Members of the Board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled for the unexpired term by the Governor, in the same manner as original appointments. Nominations to fill a vacancy must be submitted to the Governor within thirty days after the vacancy occurs, and the Governor must make the appointment forthwith. The members of the Board shall elect a chairman and secretary from among their number. Any member of the Board who becomes a candidate for, or is appointed or elected to another public office vacates his office as a member of the Board, and the chairman or president of the governing body of Walker County shall forthwith notify the Governor, who shall fill the vacancy as provided in this section.

Section 6. Members of the Board shall be entitled to receive \$10.00 for each meeting, and the Board shall meet once per month. The Board shall have power to appoint clerical assistants and engage legal counsel of its own choice, who shall be paid by the county.

Section 7. The Board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the Board shall constitute a quorum for the transaction of business. All meetings of the Board shall be held in the county courthouse.

Section 8. The Board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the Board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the county at all reasonable times.

Section 9. The Board shall have power to make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, and such other matters as may be necessary to accomplish the purposes of this Act. A rule or regulation may be made effective only after a public hearing is held on the proposal thereof and after a certified copy thereof has been filed with county governing body. All employees shall be

appointed upon a non-partisan merit basis. There shall not be appointed, and the Board shall not examine, any person who is not a citizen of the United States. The Board shall: (1) classify the different types of services to be performed in the service of the county; (2) prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class; (3) with the approval of the appointing authority, fix a maximum and minimum salary for each class; and (4) allocate each position in the service to its proper class. It shall provide for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The Board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of absence, and the severance of an employee's relationship with the county shall be in accordance with such regulations.

Section 10. The salary to be paid each subordinate employee shall be determined by his appointing authority; and the salary to be paid each department head employee shall be determined by the county governing body; but in every case the salary paid shall be within the pay plan and pay rules and regulations established by the board and shall be no more than the Board approves. It shall be unlawful for any official or employee to draw or issue any warrant on the county treasury for the payment of salary to any employee covered by the provisions of this Act unless the warrant is in an amount authorized by the Board to be paid such employees. A sum paid as salary contrary to the provisions of this section may be recovered in an action brought by any resident of the county against the official or employee who draws or issues the warrant, or against the sureties on his bond.

Section 11. The Board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the county, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the board as common laborers. Layoffs available for re-employment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted re-employment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the Board's rules and regulations, subject, however, to stipulations of this section concerning layoffs. Persons desiring appointment may file applications with the Board, and the Board shall, from time to time, conduct examinations to test the ability of such applicants. All qualified

applicants shall be examined, and examination shall be public, competitive, and, subject to limitations specified by the Board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than one examination.

Section 12. Whenever a vacancy exists in any position in the service of the county, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the Board or by transfer within the service of the county from another position of the same class. However, the ranking lay-off of the same class shall be appointed in every instance. Whenever it is impossible for the Board to certify eligible persons to a vacancy, the Board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this Act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the Board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the Board. After the expiration of the probationary period, an appointment shall become permanent.

Section 13. An appointing authority shall have authority to suspend an employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than thirty days, he shall be entitled to a public hearing by the Board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the Board determines that the action of the appointing authority was not with cause, the suspension shall be revoked.

Section 14. (a) The governing body of the county, any member of the governing body, or the head of any department or office can remove, discharge or demote any employee, officer or official of the county who is subject to the provisions of this

Act and who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the Board, giving the reason for such removal, discharge or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the Board. The Board shall thereupon order the charges or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No permanent employee, officer, or official of the county whose employment comes within the jurisdiction of this Act, and whose probationary period has been served, shall be removed, discharged, or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the Board, then the same will become final only after a hearing upon written charges of complaint has been had and after an opportunity has been given him to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the Board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law. Charges may be filed by any resident citizen of the county as follows: the charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before any member of the Board or before any person authorized to administer oaths. Upon the receipt of such charges, the Board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the Board. If in the judgment of the Board such charges are of a minor nature, such charges may be referred by the Board to the proper department head who shall make an investigation of the charges and make his recommendation to the Board within such time as the Board may prescribe, as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice is given to the affected employee of the receipt of such recommendation and the contents thereof, the Board may, in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complainant or the affected employee, or both of them, objects to the recommendation of the department head, the Board shall hold a public hearing de novo on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the Board

shall be open to the public. All testimony given in all hearings before the Board shall be taken down in shorthand by a stenographer. In all cases, the decision of the Board shall be reduced to writing and entered in the record of the case. In all proceedings before the Board, the deputy district attorney or other like officer of the county may appear and prosecute all charges instituted by the county governing body or any member thereof or by any department head, when requested or directed to do so by such county governing body. It shall not be the duty of the deputy district attorney or other like officer to prosecute any charges brought by a private citizen. In all proceedings before the Board, the deputy district attorney or other like officer may appear and represent the interests of the county, and he shall also give such legal advice and legal assistance to the Board as may be requested by it.

The Board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this Act. The sheriff of Walker County, in person or by deputy, shall serve all processes of the Board, and shall attend upon and preserve order at all public hearings conducted by the Board. In case a person refuses to obey such subpoena, the Board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the Board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this State, which fees shall be paid from the treasury of the county.

(b) Any person aggrieved by a decision of the Board may appeal such decision to the circuit court of Walker County in equity within thirty days from the rendition of such decision by the Board. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented; the Board's findings of fact shall be final and conclusive.

Section 15. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its manage-

ment or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 16. The expenses of the Board arising under the provisions hereof shall be paid from funds of the county. The county governing body shall provide the Board an office in the county courthouse, which shall be suitably equipped and furnished for the needs of the Board, and telephone service, postage, office supplies, and stationery; also, secretarial and clerical help as deemed necessary by the Board.

Section 17. Any person in the service of the county by appointment under civil service rules or regulations who willfully violates any provisions of this Act, or any rule or regulation issued in pursuance thereof, shall be dismissed from service under the system and shall not be reappointed for two years.

Section 18. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this Act are repealed.

Section 21. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except that it shall not apply to the office of Tax Collector until thirty days after the said Tax Collector takes office.

Approved May 14, 1969.

Time: 5:00 P.M.

Relating to eminent domain proceedings; providing for interest on the award of damages by a Court of competent jurisdiction and an appeal is taken by the State to the Supreme Court of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In any event in any case now or hereafter pending, when property is condemned for highways and an appeal is taken by the State from a judgment of a Court of competent jurisdiction and, if the award of damages is affirmed on appeal by the Supreme Court of Alabama; then, in such event, the property owner shall be entitled to interest at six per cent per annum on the amount of damages awarded from the date of the rendition of the judgment awarding such damages. Provided, however, that such interest shall not be effective on any portion of the funds made available or offered to the owner after the rendition of the judgment awarding such damages by the probate court or the Circuit Court as the case may be.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 5:01 P.M.

Act No. 202

H. 9—Merrill, Mathews, Lybrand,
Beck, Burgess

AN ACT

To make an appropriation to Jacksonville State University for capital outlay purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made, there is hereby appropriated the sum of Two Hundred Thousand Dollars (\$200,000.00) from the Alabama Educational Trust Fund for the fiscal year ending September 30, 1969, to Jacksonville State University for the purpose of constructing a Nursing School.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 5:02 P.M.

Act No. 203

H. 73—Fite

AN ACT

To prescribe venue of suits on bonds of sheriffs and deputy sheriffs.

Be It Enacted by the Legislature of Alabama:

Section 1. The official bond executed by a sheriff or any deputy sheriff may be sued on only in the county of residence of the principal, or in the county in which he resided at the time of the execution of the same, provided, however, that if the act complained of was committed in some county other than the county in which he resided, then such action may be maintained in the county where such act was committed.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 5:03 P.M.

Act No. 204

H. 74—Fite

AN ACT

Relating to public utilities; requiring gas pipeline systems to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdiction of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act the following words and terms shall have the following meanings unless a different meaning is expressly stated or clearly indicated by the context. (a) "Public untility" means any person, firm, corporation or other legal entity of any kind engaged in the transportation and sale of gas and shall include the State of Alabama, every county in the State of Alabama, every municipality in the State of Alabama, every public body or corporation of whatever kind in the State of Alabama, as well as every private or non-public entity, when engaged in the transportation and sale of gas.

(b) "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

(c) "Transportation of gas" means the gathering, transmission, distribution and storage of natural gas and the transmission and distribution by pipeline of all kinds of gas other than natural gas.

(d) "Pipeline system" means new and existing pipe rights-of-way and any pipeline, equipment, facility and building, or any of the foregoing, used by a public utility in the transportation of gas or the treatment of gas during the course of transportation but "rights-of-way", as used in this Act does not authorize the Commission to prescribe the location or routing of any pipeline, equipment, facility or building, or any of the foregoing.

(e) "Commission" means the Alabama public service commission.

(f) "Federal safety standards" means the minimum standards of safety adopted by the United States Department of Transportation pursuant to the Natural Gas Pipeline Safety Act of 1968 (P. L. 90—481) or any amendments thereto, and any rules and regulations promulgated by any regulatory agency of the United States having jurisdiction thereof.

Section 2. All pipeline systems used in this state for the transportation of gas shall be constructed, operated and maintained in such safe manner as at all times to be in compliance with the defined federal minimum safety standards.

Section 3. The commission shall have the right, power and authority: to provide and make certifications, reports and information to the Secretary of the United States Department of Transportation; to enter into agreements with said Secretary to carry out the purposes of this Act; to enforce federal safety standards in the state of Alabama in lieu of enforcement by the said Department of Transportation as permitted in the Natural Gas Pipeline Safety Act of 1968 (P.L. 90-481); and to exercise regulatory jurisdiction over the safety of pipeline systems and the transportation of gas as permitted by the Natural Gas Pipeline Safety Act of 1968 (P.L. 90-481).

Section 4. In order to determine whether or not each such pipeline system is operating in compliance with the required safety standards and to enforce such compliance, the Alabama public service commission shall have the right, power and authority to promulgate reasonable rules and regulations to facilitate such purposes. It may require each such pipeline system to make, maintain and file such books, papers, records and documents as the commission may deem necessary, which books, papers, records and documents shall be made available to members of the commission and their employees upon request.

Authorized personnel of the commission shall be authorized to inspect all such pipeline systems, facilities and equipment and shall have the right of access and entry to all buildings and property owned, leased or operated by such systems.

Section 5. Upon petition of the commission, the circuit court, sitting in equity, in any county in which a violation of this act exists shall have jurisdiction to restrain such violations and to enforce compliance with the safety standards herein required.

Section 6. The Alabama public service commission shall be authorized to employ, subject to the provisions of the merit system act, such inspectors or other qualified employees as may be necessary to carry out the provisions of this act.

Section 7. (a) Any person who violates any provision of this Act or of any regulation issued hereunder shall be subject to a civil penalty of not to exceed one thousand dollars for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed two hundred thousand dollars for any related series of violations.

(b) Any civil penalty may be compromised by the commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the State of Alabama to the person charged, or may be recovered in a civil action brought by the commission in the circuit court of any county in which a violation exists.

Section 8. Nothing in this Act shall be deemed to confer upon the commission any additional power and jurisdiction to supervise or regulate the rates, services, franchises or other matters pertaining to pipeline systems or transportation of gas except with respect to the enforcement of federal safety standards prescribed by the Secretary of the United States Department of Transportation; nor shall anything in this Act be deemed to confer upon the commission any power to adopt or continue in force any standards for pipeline systems or transportation of gas subject to the jurisdiction of the Federal Power Commission as prohibited by Section 3 (b) of the Natural Gas Pipeline Safety Act of 1968 (P.L. 90-481).

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 5:05 P.M.

Act No. 205

H. 75—Fite

AN ACT

To make a supplemental appropriation to the use of the Supreme Court of Alabama for the fiscal year ending September 30, 1969.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$1,600.00, or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated, to the use of the Supreme Court of Alabama for the payment of salaries accruing during the fiscal year September 30, 1969. This appropriation is supplemental and in addition to all other appropriations heretofore made to the use of the Supreme Court of Alabama for the payment of salaries.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 5:06 P.M.

Act No. 206

H. 90—Garrett, Hobbie

AN ACT

Relating to education; requiring local boards of education to provide financial assistance for handicapped children enrolled in day centers and special schools.

Be It Enacted by the Legislature of Alabama:

Section 1. County, city and independent boards of education shall provide financial assistance for handicapped children between the ages of six and sixteen who are enrolled

in day centers and special schools instead of the public schools. The boards of education shall, by their rules and regulations, determine the qualifications of persons who may be aided under this act, and the decision of such boards with reference to such qualifications shall be final and conclusive. The boards shall provide such assistance within the limits of funds available and at a cost per pupil not exceeding the per pupil cost of instruction of children enrolled in the public schools. In providing assistance under this act, the board shall take into consideration differences in travel, tuition and other expenses.

Section 2. For the purpose of allocating minimum program funds or other contributions made by the State for educational purposes, the daily attendance of handicapped children attending day centers and special schools within the school district shall be counted as though such children were attending the public schools.

Section 3. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of the act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. This act shall take effect October 1, 1969.

Approved May 14, 1969.

Time: 5:07 P.M.

Act No. 207

H. 99—Cook (Coffee)

AN ACT

To transfer and reappropriate certain monies heretofore appropriated to the state banking department for equipment purposes to such department's account for expenses, other than salaries and equipment purposes; and to authorize and regulate the use of the funds hereby transferred and reappropriated.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of six thousand dollars of the amount which was heretofore appropriated by Section 2, subsection III F(22), Act No. 256, H. 23, Regular Session of 1967 (Acts, Regular Session 1967, p. 645), to the department of banking for use in the fiscal year ending September 30, 1969 "for equipment purposes" is hereby transferred and reappropriated to such department for other expenses in such department for such fiscal year. The superintendent of banks is hereby authorized to use and expend such \$6000, or so much thereof as is needed,

to defray the expenses, other than expenses for salaries and equipment purposes, of the department of banking during the fiscal year ending September 30, 1969. The monies hereby appropriated shall be budgeted and allotted as prescribed by law.

Section 2. The provisions of this Act shall supersede the provisions of said Section 2, subsection III F(22), Act No. 256, H. 23, of the Regular Session of 1967, which conflict herewith. Any and all other laws or parts of laws in conflict herewith are also repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 5:10 P.M.

Act No. 208

H. 110—Starnes, Fite, Watkins, Doss, Slate

AN ACT

To amend further Code of Alabama Title 13, Section 31, in relation to qualifications of supernumerary justices of the Supreme Court of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama Title 13, Section 31, as amended, is further amended so as to read as follows:

“31. The chief justice or any associate justice of the supreme court may elect to become a supernumerary justice if he

“(a) has served for fifteen years as a justice of the supreme court or as a judge of the court of appeals or circuit court, or any two or more of them consecutively, the last twelve years of which has been continuous, and has reached or passed the age of sixty-five years; or

“(b) has served continuously for fifteen years as a justice of the supreme court or as a judge of the court of appeals or circuit court, or any two or more of them consecutively, and who has become physically unable to carry out his duties on a full time basis, proof of such disability being made by certificate of three reputable physicians; or

“(c) has served continuously for fifteen years as a justice of the supreme court or as a judge of the court of appeals or circuit court, or any two or more of them consecutively, and

has attained age sixty-five less one year for each year of service in excess of fifteen; or

“(d) has served continuously for ten years as justice of the supreme court or as a judge of the court of appeals or circuit court, or any two or more of them consecutively, and who is not less than seventy years of age; or

“(e) has served for twenty-four years as a justice of the supreme court or as a judge of the court of appeals or circuit court, or any two or more of them consecutively, or for not less than four terms the last ten years of such service having been continuous.

“Such election by such supreme court justice shall be made by filing, while in the service, a written declaration with the governor, who, upon finding the existence of conditions as herein specified shall endorse his approval thereon.”

Section 2. This Act is remedial and shall be given retro-active effect.

Approved May 14, 1969.

Time: 5:11 P.M.

Act No. 209

H. 111—Grayson

AN ACT

Relating to crimes and offenses; making it a misdemeanor to possess ingredients for assembling or manufacturing fire bombs with intent to manufacture such bombs; making the manufacture, distribution, use, or possession of fire bombs a felony; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who possesses the materials for assembling or manufacturing a fire bomb or fire bombs with the intention of using the fire bomb or fire bombs when assembled or manufactured for the purpose of violating any of the criminal laws of the State of Alabama or of the United States is guilty of a misdemeanor and upon conviction shall be punished as provided in Code 1940, Title 15, Section 327, and whoever manufactures, distributes, possesses or uses or attempts to use one or more fire bombs with the intent to violate any of the criminal laws of the State of Alabama or the United States is guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary for not less than one nor more than ten years.

The term “fire bomb” as used herein shall mean a container containing gasoline, kerosene, fuel oil, or other substance,

liquid, or semi-solid, with a flash point of one hundred seventy degrees Fahrenheit or less, having a wick or other device capable of igniting or exploding such liquid, or semi-solid, but no device manufactured and used for the purpose of illumination shall be deemed to be a fire bomb.

Nothing in this Act shall prohibit the authorized manufacture, use, or possession of any material, substance, or device by a member of the armed forces of the United States, firemen, or law enforcement officers; nor does this Act prohibit the manufacture, use, or possession of any material, substance, or device to be used solely for scientific research, educational purposes, or for any lawful purpose.

Section 2. This Act is cumulative.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 5:12 P.M.

Act No. 210

H. 162—Pruitt, Manley

AN ACT

To make an additional appropriation to the Board of Trustees of Livingston University from the Alabama Special Educational Trust Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made, there is hereby appropriated from the Alabama Special Educational Trust Fund to the Board of Trustees of Livingston University the sum of \$250,000 to be used for providing hospital and medical services and facilities to the students of the University.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1969.

Time: 5:30 P.M.

Act No. 211

H. 60—Fite

AN ACT

To amend further Act No. 30, H. 116, Regular Session 1957, an act creating the Marion County Superior Court (Acts 1957, v. 1, p. 72), in relation to the compensation of the judge of said court and of the court reporter.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 30, H. 116, Regular Session 1957, an act creating the Marion County Superior Court (Acts 1957, v. 1, p. 72), as amended, is hereby further amended so as to read as follows:

"5. The judge of the Marion County Superior Court shall receive a salary of \$600 per month payable out of the county treasury. In addition to the compensation provided herein, the judge of said court shall be entitled to receive the sum of \$200 per month as reimbursement for the expenses incurred by him in the performance of his duties as the judge of such court."

Section 2. Section 17 of said Act No. 30, H. 116, Regular Session 1957, as amended, is hereby further amended so as to read as follows:

"17. The judge of the court shall appoint a competent person capable of taking the proceedings of said court in shorthand as a full time official reporter for the court. The court reporter shall be removable at the discretion of the judge. The reporter's duties shall be the same as those required by law of reporters for the circuit courts of the state; he shall receive the same rate of compensation for transcribing the testimony or other proceedings as is now provided for the circuit court reporters, and shall also receive \$200 a month and five dollars for each half day or fraction thereof he is engaged in taking testimony or other proceedings of the court; such salary and compensation shall be paid out of the county treasury."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1969.

Time: 8:54 A.M.

Act No. 212

H. 62—Fite

AN ACT

To amend further Section 4 of Act No. 633, S. B. 441, Regular Session 1947, an act abolishing the court of county commissioners of Marion County and creating the Marion County board of revenue in lieu thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 633, S. B. 441, Regular Session 1947, an act abolishing the court of county commissioners of Marion County and creating the Marion County board of revenue in lieu thereof (Local Acts 1947, p. 403), as amended, is amended further to read as follows:

"Section 4. Regular meetings of the Marion County Board of Revenue shall be held on the second and third Mondays in each month. Each member of the Board shall be paid a monthly salary of Four Hundred Fifty and 00/100 dollars (\$450.00), such salary to be paid from the gasoline tax funds of Marion County. The Chairman of said Board of Revenue shall be paid in addition to such salary the sum of Fifty and 00/100 dollars (\$50.00), per month from said gasoline tax funds of Marion County. The Chairman and three other members of the Board shall constitute a quorum for the transaction of business."

Section 2. This Act shall take effect as authorized in Constitutional Amendment 92.

Approved May 15, 1969.

Time: 8:50 A.M.

Act No. 213

H. 131—Hardin, Bassett

AN ACT

Relating to Butler County; authorizing the county governing body to make an appropriation from the county gasoline tax fund for the relief of G. M. Gladwell.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Butler County is hereby authorized and empowered to appropriate from the gasoline tax funds of said county a sum not exceeding \$50.00 to the use and benefit of G. M. Gladwell to compensate him for damages sustained as a result of injuries to his personal property caused by a collision with a county truck. The Legislature finds and

declares that the claim of the said G. M. Gladwell arose under such circumstances that the county is justly and equitably obligated to compensate the said claimant but he has no legal recourse to recover his damages from the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1969.

Time: 8:53 A.M.

Act No. 214

H. 132—Hardin, Bassett

AN ACT

To amend further Act No. 171, H. 223, Special Session 1961, in relation to expense allowances for members of the county governing body of all counties having populations of not less than 24,525 nor more than 24,675.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 171, H. 223, Special Session 1961 (Acts 1961, v. 2, p. 2124) as amended, is hereby further amended so as to read as follows:

“The members of the court of county commissioners, board of revenue or other like governing body of all counties in the state having a population of not less than 24,525 nor more than 24,675 inhabitants, according to the last federal decennial census, shall be allowed an amount not exceeding \$175.00 (one hundred seventy-five dollars) per month in addition to all other expenses now allowed by local or general laws to cover the expenses incurred by them in the performance of their duties as members of such governing body, to be paid by warrant drawn on the gasoline fund of the county, provided, that the exact amount of such allowances shall be fixed or set only by resolution of the county governing body unanimously approved by all members of the body and the chairman or president.”

Section 2. This Act shall take effect immediately upon its enactment and shall expire on the first Monday after the second Tuesday in January 1973.

Approved May 15, 1969.

Time: 8:53 A.M.

Act No. 215

H.152—Bassett, Hardin

AN ACT

To amend Section 1 of Act No. 38, Acts of Alabama 1965, First Special Session, page 58; to provide for the payment of an expense allowance to members including the chairman or ex-officio chairman of the board of revenue, court of county commissioners, or other like governing body, of all counties having a population of not less than 25,800 nor more than 26,700, according to the last or any subsequent Federal decennial census; and to validate actual expenses heretofore paid for travel outside the county on county business.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 38, Act of Alabama 1965, First Special Session, page 58, is hereby amended to read as follows:

"Section 1. Each member, including the chairman or ex-officio chairman, of the board of revenue, court of county commissioners, or other like governing body of every county in the state having a population of not less than 25,800 nor more than 26,700, according to the last or any subsequent Federal decennial census, shall be paid for traveling expenses in inspecting the work of maintenance, upkeep and repairing the public roads and bridges the sum of Two Hundred Dollars (\$200.00) per month for mileage and cost of transportation in performing such services, to be paid on warrants drawn by the county treasurer out of the gasoline tax fund; provided, however, that the members of the governing body shall be paid in addition to the allowances provided herein their actual expenses incurred in the performance of their duties outside the county."

Section 2. Actual expenses paid for cost of travel outside the county on county business prior to passage of this act and subsequent to March 16, 1965 are hereby validated and approved.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 15, 1969.

Time: 8:52 A.M.

Act No. 216

H. 180—Fine

AN ACT

Relating to counties having a population of not less than 13,700 nor more than 14,300 according to the most recent federal decennial census; to provide an additional expense allowance for the chairman or presiding judge and members of the governing body of any such county, payable out of county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 13,700 nor more than 14,300 according to the most recent federal decennial census, the chairman or presiding judge and each member of the board of revenue, court of county commissioners, or other like governing body of such county shall be allowed an expense allowance not to exceed \$175 per month as reimbursement for expenses incurred in the performance of his duty as a member of such governing body. The amount of such allowance shall be fixed by resolution of the governing body and shall be paid out of the general fund of the county or out of the county gasoline tax fund, or both, as prescribed by law. The allowance herein provided shall be in addition to any other salary, allowance, or other compensation provided by law to members of any such county governing body.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1969.

Time: 8:51 A.M.

Act No. 217

S. 57—McDermott, Pelham, Giles, Radney,
Lindsey, Skidmore, Nabors,
Folsom, Lolley

AN ACT

To authorize incorporated municipalities of this state to adopt ordinances establishing minimum standards for buildings, dwellings and structures of all types and descriptions used for human habitation and occupancy; providing for enforcement and penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby declared that insanitary and unsafe buildings, dwellings and structures of all types and descriptions

used for human habitation exist in the incorporated municipalities of this state and that such insanitary and unsafe conditions arise from obsolescence, poor repair, maintenance and the overcrowding and use of such buildings, dwellings and structures used for human habitation and occupancy; that such conditions are often compounded by inadequate provisions for light and air, insufficient protection against fire hazards, lack of living space and overcrowding, and lack of heating, plumbing, and other facilities, and that such insanitary and unsafe buildings, dwellings, and structures used for human habitation and occupancy constitute a danger to health, safety, morals, welfare, wellbeing, and comfort of the inhabitants and general public in such incorporated municipalities; that such conditions cause an increase in and spread of disease and crime and are damaging and injurious to the inhabitants and general public of such incorporated municipalities.

Section 2. The incorporated municipalities of this state are specifically authorized, in order to protect the health, safety, morals, welfare, wellbeing and comfort of their inhabitants and the public at large, to enact, adopt and enforce ordinances regulating the use, control, repair and maintenance of buildings, dwellings and structures of all types and descriptions used for human habitation or occupancy, the number of occupants and the mode and manner of occupancy, for the purpose of insuring the healthful, safe and sanitary environment of the occupants of such structures; and to compel the owners or persons in charge of such buildings to alter, reconstruct, or modify them, or any room, compartment, or part thereof, for the purpose of insuring the healthful, safe and sanitary environment of the occupants thereof; and to prohibit the use and occupancy of such buildings, dwellings and structures of all types and descriptions used for human habitation or occupancy until such rules, regulations, and provisions imposed by ordinance shall have been complied with.

Section 3. This act shall not be construed to impair or limit in any way the power of incorporated municipalities to enjoin or abate public nuisances within their corporate limits.

Section 4. This act shall be liberally construed as being additional authority of incorporated municipalities to adopt ordinances relating to the establishment and enforcement of minimum standards for buildings, dwellings and structures of all types and descriptions used for human habitation and occupancy and is cumulative to and in addition to existing legal authority.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 15, 1969.

Time: 8:58 A.M.

Act No. 218

H. 106—Weeks, Bowers

AN ACT

To amend Code of Alabama 1940, Title 39, Section 184, in relation to the designation of legal holidays, prescribing what day will be Veterans' Day and how it shall be observed.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 39, Section 184, as amended, is amended further so as to read as follows:

Section 184. Sunday, Christmas Day, New Year's Day, Robert E. Lee's birthday, George Washington's birthday, Thomas Jefferson's birthday, Mardi Gras, Confederate Memorial Day, Jefferson Davis' birthday, the Fourth Day of July, Labor Day, Columbus Day and Fraternal Day, Veterans' Day (which shall be November 11 from the effective date of this Act until January 1, 1971 and after January 1, 1971 shall be the fourth Monday in October), and the day designated by the governor for public thanksgiving, shall each be deemed a holiday. If any holiday falls on Sunday, the following day is the holiday. Veterans' Day shall be observed by the closing of all state, county, and municipal offices, and the public schools on such day.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1969.

Time: 8:59 A.M.

Act No. 219

H. 194—Lybrand, Merrill, Burgess

AN ACT

Relating to counties having populations of not less than 80,000 nor more than 96,000 inhabitants, according to the last or any subsequent federal decennial census; to amend Act No. 832, H. 1501 of the

Regular Session of 1961 (Act 1961, p. 1227) which prohibits the sale or consumption of alcoholic beverages in certain places in such counties, so as to provide that, at the option of the municipal governing body, the sale of such beverages shall not be unlawful within the corporate limits of certain municipalities in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 832, H. 1501 of the Regular Session of 1961 (Acts 1961, p. 1227) is hereby amended to read as follows:

"Section 2. It shall be unlawful for any person, firm or corporation to sell or offer for sale any spirituous, vinous, or malt or brewed beverages in any county in which this Act applies except within the corporate limits of incorporated municipalities in said counties having populations of not less than 15,000 according to the most recent federal decennial census, and except within the corporate limits of any other municipality within the county when the governing body of such municipality has approved the sale or offering for sale within such corporate limits of spirituous, vinous, malt or brewed beverages. Provided, however, no municipal governing body in authorizing the sale of such beverages in such municipality shall pass any municipal law, ordinance or resolution in conflict with any other provision of this Act."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1969.

Time: 9:00 A.M.

Act No. 220 H. 128—Brannan, McElhaney, Owen (Baldwin),
Dobbs, Holman, Laxson, Mays, Collier,
Bank, Agee, Stubbs, Harper, Sessions,
Brassell, Hobbie, Foshee, Jackson (F),
McCorquodale, Springer, Owens (W),
Headley, Grayson, Harris

AN ACT

To amend Title 2, Section 660, Code of Alabama 1940, as amended, in relation to the compensation of the administrative officer of the state soil and water conservation committee.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 2, Section 660, Code of Alabama 1940, as amended, is amended further so as to read as follows:

"660. There is hereby established to serve as an agency of the state and to perform the functions conferred upon it in this chapter, the state soil and water conservation committee. This committee shall consist of six persons, namely: The director of the state extension service; the director of the state agricultural experiment station; the supervisor of vocational agricultural education, and three farmers to be appointed by the governor. The appointed members of the committee shall hold office for a term of three years, and shall be appointed from a list submitted to the governor from the soil and water conservation districts of the state. Each soil and water conservation district shall submit one name to the governor, and from this list so submitted the governor shall appoint three members to the committee. In the event twelve names are not submitted to the governor for appointment to the committee, then he shall make appointments to the committee from any list submitted from the districts which contain three names or more, provided, however, that of the first farmer members appointed to the committee, one shall serve for a term of one year, one for a term of two years, and one for a term of three years. The successors to the first farmer members appointed to the committee shall be appointed by the governor in the manner hereinabove provided. The committee shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter. The state soil and water conservation committee may employ an administrative officer and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. The compensation of the administrative officer shall be fixed by the committee without reference to the pay plan of the state personnel department or limitations otherwise prescribed by law and shall not exceed \$14,500 per annum. The committee may call upon the attorney general of the state for such legal services as it may require, or may employ its own counsel and legal staff. It shall have authority to delegate to its chairman, to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem proper. It shall be supplied with suitable office accommodations in the city of Montgomery, Alabama, and shall be furnished with the necessary supplies and equipment. The committee may request any state agency or state institution of learning to make special reports, surveys or studies for the purpose of carrying out any of the committee's functions. The supervising officer of any such agency or institution shall comply with such requests insofar as may be reasonable and consistent with the duties,

available funds and personnel of the agency or institution. The committee shall designate its chairman, and may, from time to time, change such designation. Each ex officio member of the committee shall hold office so long as he shall retain the office by virtue of which he shall be serving on the committee. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The chairman and members of the committee shall receive no compensation for their services on the committee, but shall be entitled to expenses, including travelling expenses, necessarily incurred in the discharge of their duties on the committee. The committee shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements. In addition to the duties and powers hereinafter conferred upon the state soil and water conservation committee, it shall have the following duties and powers: (1) To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs. (2) To keep the supervisors of each of the several districts organized under the provisions of this chapter informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them. (3) To coordinate the program of the several soil and water conservation districts organized hereunder so far as this may be done by advice and consultation. (4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts. (5) To disseminate information throughout the state concerning the activities and programs of the soil and water conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1969.

Time: 8:54 A.M.

AN ACT

To amend further the Farmers Market Authority Act, Act No. 672, S. 99 of the Regular Session of 1965, (Acts of Alabama 1965, p. 1208), so as to authorize and regulate the sales, alienation and conveyance of markets, market facilities and appurtenances thereto by the Farmers Market Authority; to fix the annual salary of the Administrator of the Farmers Market Authority; to authorize the use of funds collected under the operation of the Act for capital outlay for markets and market facilities; and to lengthen the period for which space or facilities at markets may be leased or contracted for.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 4 of the Farmers Market Authority Act, Act No. 672, S. 99 of the Regular Session of 1965 (Acts of Alabama 1965, p. 1208) is amended, and Sections 15 and 17 of said Act, as heretofore amended, are further amended to read as follows:

*"Section 1. Farmers' markets; Farmers Market Authority Authorized to Procure and to Dispose of Market Sites.—*There shall be established in the State of Alabama a Farmers Market Authority with powers and duties to establish agricultural markets to prevent waste and to provide marketing facilities for farm produce including fruits, vegetables, nuts, truck crops, feeder pigs and other agricultural commodities and such Authority is authorized and directed to procure by purchases, lease, rent, gift, or otherwise, as in its discretion it may see fit, necessary market sites in this State on which to conduct farmers' markets.

"The Farmers Market Authority is also authorized, with the approval of the Governor, to grant, bargain, sell and convey all its right, title and interest in any market which it has established and any facilities which it has installed therein or in connection therewith upon such terms and conditions as it deems expedient; provided, that such authority shall not execute a deed of conveyance to such market and market facilities, including the land on which located, until it has received payment in full of an amount sufficient to reimburse it for the expenses incurred in acquiring the land, erecting any buildings thereon and installing any facilities thereto appertaining; and provided further that the grantee shall agree to continue to operate the market for the benefit of growers of fruits and vegetables and feeder pigs in the area then being served by the market, pursuant to such rules and regulations relative to the operation thereof as are prescribed by the Farmers Market Authority and stipulated in the contract and deed of sale."

Section 2. If any of the provisions of this act shall be held to be invalid or unconstitutional by any court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any other provision, part, or portion of this act which is not of itself invalid or unconstitutional.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1969.

Time: 9:01 A.M.

**MESSAGE OF GOVERNOR ALBERT P. BREWER
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT REGULAR SESSION MAY 6, 1969**

To the Members of the Legislature of the State of Alabama:

First, let me commend each of you for the tireless effort you have made during the past few weeks in pushing through a program for education. At the beginning of the Special Session which has just been concluded, I stated that I was convinced that you were convening in a constructive spirit — not to tear down but to build up — not to argue negatively, but to act positively — not to look for problems but to find solutions. You accepted the challenge and today we are on the road to a new approach in education — we are beginning a new day when we can completely discard the concept of dealing with our educational problems on a crisis to crisis basis and begin to deal with them in a businesslike and orderly manner.

You have just adopted legislation which will allow for sweeping changes in the methods of administration of our school systems and you have made significant changes with regard to their financing. These welcomed new, fresh approaches to our problems should bring about desirable changes in a system which has needed some innovations for such a long time.

I sincerely and wholeheartedly commend you for the long hours which you spent in working out this program. We can all feel justly proud of this accomplishment, but I hope that we will not rest — having come this far. With the establishment of the Commission on Higher Education and the Education Study Commission on a permanent basis we should from henceforth approach the many remaining educational problems with study, deliberation and much thought and with a positive attitude of being willing to discard that which is bad and replace it with that which is good — constantly keeping in mind that our job is to get our dollars to the teacher in the classroom and the student at the desk — where education really takes place.

You have done something more — you have done something better — for the school children of Alabama, and you deserve the gratitude and respect of every citizen of our State.

Because of the pressing requirements of the Special Session just ended, I have not had time to outline in specific detail those areas to which I hope you will direct your attention during the Regular Session, but I shall within the next two weeks prepare a message which will be sent to you outlining several measures to meet some special problems. In general, we will be requesting legislation dealing with ad valorem tax reform, pornography, highway safety, Medicaid, and election law re-

form. You will also be providing appropriations for the operation of State government for the next two years. Many of you have proposals of statewide application which are meritorious and which I will be happy to aid you with at any time. The Legislative Council will present several bills for your consideration and, considering the usual number of local bills you will be called upon to consider, I know that you will have a most active Session.

This Legislature has proved beyond a shadow of a doubt that it is willing and able to deal with the pressing problems of modern Alabama. We share a common concern for our future as a State and as a people, and I am confident that we can face the issues which present themselves in the Regular Session with wisdom and creative action.

I look forward with pleasure to having the opportunity to work with you again in helping to solve some of our State's problems and to meet some of the challenges which are presented to us. With God's help I know that we will meet the responsibilities entrusted to us by the people.

Respectfully,

Albert P. Brewer
Governor

ALABAMA LAWS
(and Joint Resolutions)
REGULAR SESSION, 1969

Act No. 1

H.J.R. 9—Brown

HOUSE JOINT RESOLUTION

WHEREAS,

Carleton K. Butler, Professor of Music and Director of Bands at the University of Alabama, is retiring on May 31, 1969 after thirty-four years of outstanding service; and

WHEREAS,

Professor Butler was a teacher and band director in the Public School System of Birmingham before coming to the University of Alabama, and after receiving the Bachelor of Music degree from Dana's Musical Institute and the Bachelor of Science degree in Music Education from Kent State University; and

WHEREAS,

Professor Butler served as president of the Alabama Band Masters' Association and of the Alabama Music Educator's Association, and has devoted his talent and energy toward raising the level of music in the State; and

WHEREAS,

the Reserve Officers Training Corps made him an Honorary Colonel and since that time he has been known as Colonel Butler to a generation of admirers for whom he symbolized musical excitement as director of the University of Alabama's "Million Dollar Band;" and

WHEREAS,

as a dedicated teacher he has trained and inspired many young musicians, a great number of whom have followed his example and become band directors; and

WHEREAS,

Professor Butler held the position of First Oboist with the Birmingham Civic Symphony Orchestra;

NOW, THEREFORE BE IT RESOLVED by the House of Representatives, the Senate concurring,

1. that this legislature express its appreciation to Carleton K. Butler for thirty-four years in which he has brought the delights of fine musicianship to millions of listeners and reflected credit on his university and this State through his excellent performance as teacher, band leader and citizen.

2. Be it further resolved that a copy of this Resolution be immediately forwarded to Colonel Butler at his home at the University of Alabama, and that a copy be forwarded to the Board of Trustees of the University of Alabama.

Approved May 22, 1969.

Time: 1:15 P.M.

Act No. 2

S. 51—Torbert, Engel, Clark, Turner,
Goodwyn, Radney

AN ACT

To provide that all debts incurred under the Acts of Congress commonly known as the National Housing Act and the Acts providing for Veterans' Benefits, as now existing or as they may hereafter be amended or supplemented, shall be legal investments for banks, insurance companies, savings and loan associations, trustees, fiduciaries of all types and for any other person, firm or corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. All debts or extensions of credit incurred pursuant to any provision of the Act of Congress known as the National Housing Act, as the same now exists or may hereafter be amended or supplemented, and all debts or extensions of credit incurred pursuant to any Act of Congress relating to Veterans Benefits, as the same now exists or may hereafter be amended or supplemented, shall be legal investments for banks, insurance companies, savings and loan associations, trustees, fiduciaries of all types and for any other person, firm or corporation, and shall be free from any restrictions of this State as to the nature, forms, or amounts of any loans or investments.

Section 2. The provisions of this Act supersede the provisions of any Act defining legal investments in any way contrary to the provisions hereof.

Section 3. If any section, provision, sentence or phrase of this Act shall be declared unconstitutional, or void for any reason, such adjudication shall not affect any other provision; hereof, and the remainder thereof shall be left intact and valid.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 12, 1969.

Time: 3:58 P.M.

Act No. 3

S. 52—Torbert, Engle, Clark, Turner,
Goodwyn, Radney

AN ACT

To exempt debts incurred under the Acts of Congress, commonly known as the National Housing Act and the Acts providing for Veterans' Benefits, as now existing or as they may hereafter be amended or supplemented, from usury and interest restrictions of this State.

Be It Enacted by the Legislature of Alabama:

Section 1. All debts or extensions of credit incurred pursuant to any provision of the Act of Congress known as the National Housing Act, as the same now exists or may hereafter be amended or supplemented, and all debts or extensions of credit incurred pursuant to any Act of Congress relating to Veterans Benefits, as the same now exists or may hereafter be amended or supplemented, are exempt from any law of this State relating to usury or prescribing or limiting interest rates.

Section 2. The provisions of this Act are remedial and supersede the provisions of any other Act limiting interest rates in any way contrary to the provisions hereof.

Section 3. If any section, provision, sentence or phrase of this Act shall be declared unconstitutional, or void for any reason, such adjudication shall not affect any other provision hereof, and the remainder thereof shall be left intact and valid.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 12, 1969.

Time: 4:00 P.M.

Act No. 4

S. 53—Torbert, Engel, Clark, Turner,
Goodwyn, Radney

AN ACT

To permit corporations to pay a rate or rates of interest not to exceed 15 per centum (15%) per annum on the loan or forbearance of money having an original principal balance of Ten Thousand (\$10,000.00) Dollars or more and less than One Hundred Thousand (\$100,000.00) Dollars, and to pay a rate or rates of interest on the loan or forbearance of money having an original principal balance of not less than One Hundred Thousand (\$100,000.00) Dollars as that corporation may determine without regard to any provision of law prescribing or limiting interest rates, to specify certain evidences of indebtedness to be included in the term "original principal balance", and denying to such corporations and to certain others who may become liable on such a loan or forbearance the right to claim or raise the defense of usury.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall not apply to any agreement involving the loan or forbearance of money where the original principal balance is less than Ten Thousand (\$10,000.00) Dollars.

Section 2. Any domestic or foreign corporation organized for profit may agree to pay such rate or rates of interest for the loan or forbearance of money, as such corporation may determine, notwithstanding any law of this State otherwise prescribing or limiting such rate or rates of interest, provided, that the original principal balance of the loan or forbearance of money is not less than One Hundred Thousand (\$100,000.00) Dollars; and provided further, that where the original principal balance of the loan or forbearance of money is less than One Hundred Thousand (\$100,000.00) Dollars, and not less than Ten Thousand (\$10,000.00) Dollars, the rate or rates of interest thereon shall not exceed 15 per centum (15%) per annum.

Section 3. The term "original principal balance" as used herein, shall also include the total principal amount of indebtedness incurred in a single issue or sale of bonds, debentures, promissory notes, or like transaction without regard to the face amount or denomination of any bond, debenture, note or other evidence of indebtedness constituting a part of such issue or sale.

Section 4. As to any such loan or forbearance of money made in compliance with Section 2 of this Act, neither such corporation, its successors or assigns, nor any surety, guarantor, endorser, or any other person, firm or corporation, which may become liable, in whole or in part, for the payment of the debt and interest agreed to be paid thereon, or under any extension, amendment or renewal thereof, may raise or claim the defense or benefit of the usury law or any other law prescribing, regulating or limiting such rate or rates of interest.

Section 5. All laws or parts of laws in conflict with this Act are hereby superseded.

Section 6. If any section, provision, sentence or phrase of this Act shall be declared unconstitutional, or void for any

reason, such adjudication shall not affect any other provision hereof, and the remainder thereof shall be left intact and valid.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 12, 1969.

Time: 3:59 P.M.

Act No. 5

H.J.R. 1—Neville

HOUSE JOINT RESOLUTION

WHEREAS, the coming of tomorrow, May 7, 1969, marks the first anniversary of the death of the beloved former Governor of the State of Alabama, Lurleen Burns Wallace, and

WHEREAS, this Legislature wishes to pay appropriate tribute and respect to the memory of this great lady and devoted servant of the people of the State of Alabama, and

WHEREAS, her love and compassion for the people of Alabama was only exceeded by the self-same love and affection returned by them to her, and

WHEREAS, her works and deeds during her lifetime have left eternal monuments to her memory in the minds and hearts of all Alabamians, and

WHEREAS, this Legislature is ever mindful of her appearance before this body and of the programs and proposals sponsored by her on behalf of our less fortunate fellowmen, and

WHEREAS, seeking an appropriate means whereby to eulogize her memory on this occasion we do deem the recent address of the Honorable T. B. Hill, Jr., eminent lawyer and citizen of the state, delivered before the annual convention of the National Guard Association of Alabama to be a most eloquent and appealing memorial to her life and actions, such address being in words and form as follows:

EULOGY OF GOVERNOR LURLEEN BURNS WALLACE

Delivered by Thomas B. Hill, Jr., April 13, 1969 At Annual Meeting of Alabama National Guard Association

General Hardin, Members of the National Guard Association of Alabama, Ladies and Gentlemen:

You have conferred upon me a deeply appreciated privilege and a cherished honor, by your invitation extended to me to be

with you on this occasion, and to eulogize the memory of your late Commander-in-Chief, the revered and lamented Governor Lurleen Burns Wallace.

She has been gone from us now almost a year, but all of us recall, I am sure, the fateful morning of her departure, the 7th day of May, 1968, when it seemed as if a pall of quiescent sorrow had settled like a cloud over our beloved State. I cannot recall any occasion which generated a more universal atmosphere of grief and sadness among our people than did the announcement of her passing. Seemingly from every lip came, in hushed and muffled tones, the sad exclamation: "Governor Lurleen is dead".

To those of us who had known her, either personally, or through her activities as Chief Executive of our State, and who had come to admire and respect her, as did all with whom she came in contact, it seemed incredible that she had passed from us forever, that no more would we be privileged to see her sweet and smiling countenance or hear her learned and discerning dissertations and discussions of matters of vital interest to our people and our State; we could not bring ourselves to believe that she had "left the shore touched by the mysterious sea that never yet has borne on any wave the image of a homeward sail." And, as the shock of the heart-rending news of her death permeated into the far corners and regions of our State, and our people were awakened to the full realization of the tragic loss we had sustained in her untimely death, the great human heart of Alabama was weeping for one of its finest and best-loved citizens.

Lurleen Burns Wallace was born in Tuscaloosa County, Alabama, on September 19, 1926, the daughter of Estelle B. and Henry Morgan Burns. Her parents were of modest means, and little did they realize that they had on that day brought forth a daughter who would one day reflect great honor upon them, reach the pinnacle of political success as the first member of her sex to occupy the exalted office of Governor of Alabama, and upon her passing leave in the minds and hearts of her people in Alabama a cherished memory which would be the envy of all men.

She received her elementary and primary education in the public schools of Tuscaloosa County. She graduated from Tuscaloosa Business College in 1942, and on May 22, 1943, she became the bride of a young law student who was destined to become a great and steadfast American, George Corley Wallace of Alabama. There are four children of that union, Bobbie Jo (Parsons), Peggy Sue, George Corley, Jr., and Janie Lee. It was not alone as Chief Executive of our State but, also, her

role as wife and mother that truly qualified her for the title of Alabama's First Lady. To the amazement and consternation of her political opposition and detractors, who, in their efforts to defeat her in her race for the Governorship, proclaimed long and loud that she would provide no leadership as Governor of the State, she responded to their jeers and mockery by displaying tremendous qualities of leadership and statesmanship. Her speeches and addresses to the Legislature and to the people of Alabama over radio and television demonstrated a broad and comprehensive understanding of the affairs of state; and, they were delivered in a gracious and convincing manner, confounding her opposition and earning in her own right universal admiration and respect for her capability.

Her meteoric rise from housewife to the Governorship of Alabama is a true exemplification of one of the facets that has made America the great nation that it is today, by demonstrating that no goal or objective is beyond the reach of any private citizen of this land who has the will and determination to achieve it.

And then, without warning, she was stricken with a recurrence of the malignancy which had appeared several years earlier, and from which she had been assured there had been a full and complete recovery. She bore with great courage and fortitude the severe and painful surgery and subsequent treatments which it was hoped, though in vain, would effectively eliminate the dreadful disease. But, the long struggle against the inexorable advances of the insidious and mortal malady was more than she could bear. She did not falter or repine; and, when the pallid messenger with the inverted torch beckoned her to depart, she bravely and courageously passed into the Undiscovered Country. The fight had been long and arduous, and it had taken a terrific toll of her physical strength and vigor; and, I am sure that, as she lay there, in the peace and quiet of imminent and impending death, her thoughts were those so beautifully expressed by Robert W. Service, when he said:

"Master, I've filled my contract, wrought in Thy many lands; not by my sins wilt Thou judge me, but by the work of my hands. Master, I've done Thy bidding, and the light is low in the West; And the long, long shift is over. Master, I've earned it, rest."

In these troublous times, when we are living so fast and furiously, we give little thought or heed to the perplexing mysteries of life and death. It is only when we are suddenly stricken by the departure from our midst of one who is near

and dear to us that we pause to think, and ask the question: "What is life, and what is this thing called death?"

I believe it was Ingersoll who defined life as:

"A narrow vale between the cold and barren peaks of two eternities. We strive in vain to look beyond the heights. We cry aloud, and the only answer is the echo of our wailing cry. From the voiceless lips of the unreplying dead, there comes no word; but, in the night of death, hope sees a star and listening love can hear the rustle of a wing."

And, in our sorrow, there comes to mind the question so beautifully expressed by Senator Ingalls in his eulogy of Senator Ben Hill of Georgia, which, with slight paraphrasing, we might well and appropriately apply to the passing of Governor Lurleen Wallace:

"Whether her going thither was but one step across an imperceptible frontier, or whether an interminable ocean, black, unfluctuating, and voiceless, stretches between these earthly coasts and those invisible shores, — and we do not know.

Whether on that May morning after death she saw a more glorious sunrise with unimaginable splendor above a celestial horizon, or whether her apathetic and unconscious ashes still sleep in cold obstruction and insensible oblivion, — and we do not know.

Whether her strong and capable, but gracious energies found instant exercise in another arena, or whether her powers were dissipated and dispersed with her parting breath — we do not know.

These are the unsolved, the insoluble problems of mortal life and human destiny which prompted the troubled patriarch of old to ask that momentous question, for which the centuries have given no answer: "If a man die, shall he live again?"

And, as we blindly seek and answer to the seemingly insoluble question, we derive much comfort from the thoughts and observations of the Great Commoner, William Jennings Bryan, in one of his lectures on immortality:

"If the Father deigns to touch, with Divine Power, the cold and pulseless heart of the buried acorn to make it burst forth from its prison walls, will He leave neglected in the earth, the soul of man, made in the image of his Creator? If He stoops to give the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the sons of men when the frosts of winter come? If matter's multitude of forms can

never die, will the spirit of man suffer annihilation when it has paid a brief visit like a royal guest, to this tenement of clay? No, I am as sure there is another life as I am that I live today."

In these beautiful words, the Great Commoner has given expression to that comforting tenet of the Christian Faith, from which those of us who are left behind can derive so much solace and consolation, in the confident conviction that we shall be separated only for just a little while from our loved ones who have gone on before; that:

"They are not gone who pass
Beyond the clasp of hand,
Out from the strong embrace;
They are but come so close
We need not grope with hands,
Nor look to see nor try
To catch the sound of feet;
They have put off their shoes
To softly walk by day
Within our thought, to tread
At night, our dream-led paths
Of sleep.

"They are not lost who find
The sunset gate, the goal
Of all the weary years.
Not lost are they who reach
The summit of their climb,
The peak above the clouds
And storms. They are not lost
Who find the light of sun
And stars and God.

"They are not dead who live
In hearts they leave behind,
In those whom they have blessed.
They live a life again,
And shall live through the years
Eternal life, and grow
Each day more beautiful,
As time declares their good,
Forgets the rest, and proves
Their immortality."

And so we say: "For a little while, good night, Sweet Princess, may flights of angels sing thee to thy rest."

NOW, THEREFORE, BE IT RESOLVED BY THE
LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF
CONCURRING AS FOLLOWS:

That this eulogy be now read to this assembled body and that the contents of this Resolution and accompanying eulogy be spread upon the records of this Legislature and entered in the Acts of this Session as a preface thereto.

It is further ordered that the Clerk of the House be directed to furnish copy of this Resolution to the family of the late Governor Lurleen Burns Wallace in appropriate manner and form.

Approved June 12, 1969.

Time: 4:10 P.M.

Act No. 6

H.J.R. 3—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of three members of the House, to be named by the Speaker of the House and two members of the Senate, to be named by the presiding officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business; and

BE IT FURTHER RESOLVED THAT said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

Approved June 12, 1969.

Time: 4:11 P.M.

Act No. 7

H.J.R. 4—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that during the two weeks recess of the House and Senate, the necessary clerical personnel in each House will be retained to check the Registers and Journals and file material for the Special Session, at the discretion of the Clerk of the House and the Secretary of the Senate.

Approved June 12, 1969.

Time: 4:12 P.M.

Act No. 8

H.J.R. 5—McDonald

HOUSE JOINT RESOLUTION

WHEREAS, Colonel Wilbur B. Fowler served continuously and ably as a member of the Alabama National Guard for a period of more than thirty-two years, having enlisted as a private and retired with the rank of colonel;

WHEREAS, Colonel Fowler organized the first National Guard unit ever organized in Arab, and such unit was activated on February 28, 1947, with Wilbur B. Fowler as its commanding officer;

WHEREAS, this unit was called into active duty during the Korean War where it served honorably and with distinction under Commanding Officer Wilbur B. Fowler;

WHEREAS, Colonel Fowler strove always to make the unit under his command a matter of pride to the community and achieved a high degree of success in this undertaking; and

WHEREAS, Colonel Fowler was not only an excellent National Guardsman and officer, but a very valuable citizen who gave unstintingly of his time and talent to the social, civic and charitable affairs of the community; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the consensus of this body that Fort Wilbur B. Fowler is a most appropriate name for the armory at Arab, in recognition of Colonel Fowler's outstanding work in developing the Arab National Guard unit and as a fitting tribute to him for his faithful service.

BE IT FURTHER RESOLVED that we hereby memorialize the Adjutant General of Alabama and the State Armory Commission to name and designate the armory at Arab, Alabama "Fort Wilbur B. Fowler."

Approved June 12, 1969.

Time: 4:14 P.M.

Act No. 9

H.J.R. 6—House

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That when the Legislature adjourns today it shall stand in recess until 12 o'clock noon May 20, 1969.

BE IT FURTHER RESOLVED That this recess shall be without pay, per diem, or expenses to the members of the Legislature other than as provided by Act No. 5 of the 1967 Special Session of the Legislature.

Approved June 12, 1969.

Time: 4:15 P.M.

Act No. 10 H.J.R. 7—Bank, McLain, Ellis, Burgess, Merrill
HOUSE JOINT RESOLUTION

WHEREAS Jerrie Lybrand, wife of our esteemed colleague Representative Fred R. Lybrand of Calhoun County, has been selected for the Distinguished Young Woman Award by the Anniston Jaycettes, and

WHEREAS this fine young lady has set an outstanding example for young womanhood in the entire United States, and

WHEREAS she has reflected credit upon her community and the State of Alabama;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Mrs. Lybrand for receiving this much deserved award, from an outstanding civic organization, and express our heartiest congratulations to her, her husband and her three fine children.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Lybrand.

Approved June 12, 1969.

Time: 4:17 P.M.

Act No. 11 H.J.R. 8—Culver, Brown, Bank, Robertson,
Weeks

HOUSE JOINT RESOLUTION

WHEREAS, the American Legion, the world's largest organization of war veterans, is now observing its 50th anniversary year in the United States and in its foreign Posts; and

WHEREAS, a distinguished son of Alabama and one of the most devoted members of the Alabama Department of the

American Legion, Lewis E. McCray, of Tuscaloosa, is serving as National Vice Commander of the American Legion, the highest Legion rank ever achieved by an Alabamian; and,

WHEREAS, Lewis E. McCray, through his service in the National ranks of the American Legion and in many other fields of civic endeavor, has brought great credit to the state of Alabama; and

WHEREAS, few members in the history of the American Legion can match the record of Lewis E. McCray in having served as Post Commander, District Commander, Area Commander, Senior Vice Commander, Department Commander, Member of National Publication Commission, Vice Chairman of National Legislative Commission, member of Civil Defense Committee of National Security Commission and Chairman of Boys State Committee;

NOW BE IT RESOLVED, that the Legislature of Alabama, with both Houses concurring, commend Lewis E. McCray for his outstanding achievements and for his unselfish service to the Alabama Department of the American Legion and the State of Alabama; and

BE IT RESOLVED, that the Legislature take cognizance of the important role of the American Legion in the civic life of Alabama during this, the Legion's 50th Anniversary year, and that this Legislature pay due respect to the living and deceased war veterans of Alabama; and

BE IT FURTHER RESOLVED, that Lewis E. McCray be invited to address the Legislature of Alabama on behalf of the veterans of Alabama, and the American Legion in particular, as an expression of Alabama's gratitude to the Alabama veterans and to the American Legion, and as an expression of Alabama's appreciation for the notable achievements of Lewis E. McCray in the national affairs of the American Legion; and

BE IT FURTHER RESOLVED, that the day of Vice Commander McCray's appearing be declared American Legion Day and that all Past Department Commanders and all present Department Officers of the American Legion be invited to attend as guests of the Alabama Legislature.

Approved June 12, 1969.

Time: 4:18 P.M.

WHEREAS the Federal Voting Rights Act of 1965, as interpreted by the United States Supreme Court, prohibits enforcement of any voting qualification or prerequisite to voting, or standard, practice or procedure with respect to voting different from that in effect on November 1, 1964, in the State of Alabama unless and until the enforcement thereof is authorized by a declaratory judgment obtained in an action in the United States District Court for the District of Columbia; but contains the following proviso:

“Provided, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such state or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, . . .” and

WHEREAS several laws relative to elections, registration and procedure for voting and qualification as candidates for office have been enacted by the Alabama Legislature since November 1, 1964; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING: That the Attorney General of the State of Alabama is hereby requested to submit a copy of every Alabama law, general or local, enacted since November 1, 1964, or enacted hereafter during the period of time in which said VOTING RIGHTS ACT OF 1965 is in force or effect, relative to elections, procedures for voting, or any phase of registration or qualification for voting or becoming a candidate at an election, to the Attorney General of the United States with a request that he review such laws and render an opinion as to whether all or any of them contravene the provisions of the Voting Rights Act of 1965 or any provisions of the Constitution of the United States.

Approved June 12, 1969.

Time: 4:19 P.M.

Act No. 13

H.J.R. 11—Springer, Hobbie, Harris,
Cameron, McElhaney

HOUSE JOINT RESOLUTION

WHEREAS Montgomery firemen and the Montgomery Fire Fighters Association (M.F.F.A.) have recently completed a most successful joint drive for contributions to the Lurleen B. Wallace Courage Crusade; and

WHEREAS this group of dedicated and courageous men who have long been recognized for their outstanding services have most generously contributed a total sum of \$18,309 which represents 100% participation and approximately sixty dollars per fireman; and

WHEREAS this munificent gift which represents total unselfishness on the part of each fireman and considerable personal sacrifice on the part of many, evidences the importance which this group attaches to the building of the Lurleen B. Wallace Cancer Hospital and gives added impetus to the drive throughout the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Montgomery firemen and the Montgomery Fire Fighters Association for their most generous contributions toward this worthy project in the cause of humanity. We congratulate them upon the skill and coordination with which they combined their efforts in this amazingly successful drive and assure them that they serve as an inspiration to all of us.

RESOLVED FURTHER, That a copy of this resolution shall be sent to Lieutenant B. J. Lumpkin, president of the Montgomery Fire Fighters Association; to Mr. F. W. (Bo) Brice, county crusade chairman; to Assistant Fire Chief J. A. Phelps who coordinated the drive for the firemen; and to the Alabama Press Association.

Approved June 12, 1969.

Time: 4:20 P.M.

Act No. 14

H.J.R. 12—Wright

HOUSE JOINT RESOLUTION

WHEREAS, Dr. John T. Sheppard of Gadsden, Alabama, departed this life April 5, 1969, after distinguished service of 35 years to his county and state, both as a citizen and as a physician, and

WHEREAS, Dr. Sheppard was loved by all who knew him and particularly by the thousands of children whom he treated with skill, patience and loving care as a pediatrician, and

WHEREAS, his presence and his medical service is sorely missed in his community, his memory and dedication will be long remembered and will remain a shining example to those who serve mankind as physicians,

THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses concurring, that the death of Dr. John T. Sheppard saddens us all, and his family is extended our deepest sympathy.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to his wife and children.

Approved June 12, 1969.

Time: 4:21 P.M.

Act No. 15

H.J.R. 14—Shumate, Bowers, Weeks

HOUSE JOINT RESOLUTION

WHEREAS Dr. Samuel Richardson Hill, Vice President for Health Affairs at the University of Alabama Medical Center, through years of dedicated service to the medical profession and to the Medical College of Alabama, has shown himself to be an example of professional excellence and an outstanding medical educator; and

WHEREAS Dr. Hill and the medical staff have constantly demonstrated an attitude of courtesy and cooperation in their relations with the legislature and the general public; and

WHEREAS Dr. Hill and the staff have undertaken to thoroughly explain and demonstrate the goals, methods, and needs of the Medical Center to the members of the legislature and to the general public, and illustrated the great value and potential of the medical program which has resulted from progressive administration and legislation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that we commend Dr. Hill and the medical staff for continuous and highly meritorious service to the health and general welfare of the people of Alabama and that a copy hereof be mailed to Dr. Hill.

Approved June 12, 1969.

Time: 4:22 P.M.

Act No. 16

H.J.R. 15—Shumate

HOUSE JOINT RESOLUTION

WHEREAS Colonel Floyd Mann, as Director of Public Safety, has demonstrated to the people of Alabama and the

members of the legislature his great capacity for capable and efficient administration; and

WHEREAS Colonel Mann has won the respect of law enforcement officers and public officials throughout the nation for his management and direction of the most effective law enforcement and highway safety programs in the history of the state; and

WHEREAS Colonel Mann in his personal relations with the officers in his department and with the general public has shown himself to be an understanding and skilled executive, worthy of support and admiration; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that we commend Colonel Mann for his tireless and devoted service to the citizens of this state and that a copy hereof be mailed to Colonel Mann.

Approved June 12, 1969.

Time: 4:24 P.M.

Act No. 17

H.J.R. 18—Merrill et al

HOUSE JOINT RESOLUTION

WHEREAS we are deeply grieved to learn of the death this morning of Mr. Josh R. Burgess, father of our beloved colleague, Representative Ray Burgess of Calhoun County; and

WHEREAS Mr. Burgess, resident of Duke, Alabama and life long native of Calhoun County, was a member of the Methodist Church and of Masonic Lodge number 574. He was highly regarded and greatly loved by a host of friends and admirers who join his family in mourning his death; and

WHEREAS Mr. Burgess passed away at Stringfellow Hospital in Anniston after a long and continuing illness. His funeral will be held tomorrow afternoon at three o'clock at the Union Methodist Church in Duke, Alabama with interment in the Union Hill Cemetery; and

WHEREAS Mr. Burgess is survived by his widow, Mrs. Gladys Burgess; one other son Charles, in addition to our close and warm friend, Ray to whom we extend special condolences; and a daughter, Miss Peggy June, all of Duke, Alabama; a brother, Mr. Tommy and a sister Miss Nannie Richie, both of Ohatchee, Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mr. Josh R. Burgess and extend our deep and heartfelt sympathy to the members of his family to whom copies of this resolution shall be sent.

Approved June 12, 1969.

Time: 4:25 P.M.

Act No. 18

H.J.R. 19—Brown, Robertson, Bank, Culver

HOUSE JOINT RESOLUTION

WHEREAS, Dr. Simril F. Bryant, the pastor of the First Presbyterian Church of Tuscaloosa, has retired from the active ministry after forty-one years of continuous service, having spent twenty-two of those years as minister of the First Presbyterian Church of Tuscaloosa; and

WHEREAS,

Dr. Bryant is loved and admired by all those with whom he has come in contact over the years, and has served his people well, and has served his county and his community far beyond the call of duty; and

WHEREAS,

in the continuous effort to serve the people of Tuscaloosa and Alabama, Dr. Bryant is past president of the Tuscaloosa Ministerial Association, a former trustee of Stillman College, and has served as Moderator of the Synod of Alabama of the Presbyterian Church; and

WHEREAS,

Dr. Bryant is listed in Who's Who of the South and Southeast, and is a member of the Chamber of Commerce of Tuscaloosa, a member of the Tuscaloosa County Mental Health Association, a member of the County Welfare Board, and Kiwanis Club; and

WHEREAS,

in the performance of his pastoral duties in the City of Tuscaloosa over the past twenty-two years he has endeared himself to the hearts of many University students over all parts of Alabama and the southland, and will continue to exert a great influence for good over the lives of those with whom he came in contact.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, that this Legislature does acclaim the activities of Dr. Bryant over the years, and does now congratulate him upon his reaching the age of retirement.

BE IT FURTHER RESOLVED that this Legislature does wish for him a long and continued life of happiness in his retirement.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the Clerk of the House to Dr. Bryant, and that a copy be forwarded to the Chairman of the Board of Deacons of the First Presbyterian Church of Tuscaloosa, Alabama.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Dr. R. Mathew Lynn, Moderator of the General Assembly of the Presbyterian Church of the United States.

Approved June 12, 1969.

Time: 4:26 P.M.

Act No. 19

H.J.R. 21—Mathews, Fite

HOUSE JOINT RESOLUTION

WHEREAS, under House of Representative Resolution No. 156 adopted August 17, 1965, certain positions of employees of the Legislature were made permanent to remain and serve after the sine die adjournment of the Legislature at the same rate of pay for such time as needed by the Chairman of the Ways and Means Committee, and

WHEREAS, such positions have been considered permanent and covered under the Employees' Retirement System of Alabama from September 1, 1965,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING THEREIN, That service rendered prior to September 1, 1965, shall be creditable in the Employees' Retirement System of Alabama upon payment of contributions which would have been made had these employees been allowed to join the Retirement System, plus regular interest to date of payment with such payments for all service rendered not to be creditable prior to 1953. Such payment shall be made within 8 months after passage of this resolution.

Approved June 12, 1969.

Time: 4:28 P.M.

Act No. 20

H.J.R. 22—Mathews, Fite

HOUSE JOINT RESOLUTION

WHEREAS it is the consensus of this body that any person who is employed by the Legislature of this State and who at the time of employment by the Legislature had any status whatsoever under Code of Alabama 1940, Title 55, Chapter 9 in the classified service of the State, as defined by said Chapter 9, should not thereby nor by reason of continued service for the Legislature lose such status; and

WHEREAS the State Personnel Board has promulgated a rule to the effect that any person who has held a permanent appointment in the classified service and has resigned in good standing may have his name placed on a reemployment list and remain on such list no longer than four years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Personnel Board is hereby memorialized and directed to amend the above mentioned rule so that it will provide that any employee of the Legislature who, at the time he was employed by the Legislature, was entitled to have his name placed on a reemployment register, may have his name remain on such reemployment register so long as he is employed by the Legislature of this State and for a period of not less than six months after he leaves the service of the Legislature, provided he leaves the service of the Legislature in good standing.

The Clerk of the House of Representatives is hereby directed to transmit a duly authenticated copy of this resolution to the Secretary of the State Personnel Board.

Approved June 12, 1969.

Time: 4:30 P.M.

Act No. 21

S.J.R. 1—Skidmore, Pierce, Goodwyn

SENATE JOINT RESOLUTION

WHEREAS the Honorable Bert Bank, a distinguished and well regarded member of this body, has received the Thad Holt

Distinguished Broadcaster Award at the 29th annual Department of Broadcast and Film Communication banquet held at the University of Alabama on May 5, 1969; and

WHEREAS the Honorable Robert Inman, Press Secretary to the Governor, was named Distinguished Alumnus at the above mentioned banquet; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Representative Bank and Mr. Inman for achieving the highest recognition from the members of their profession, and express our pride, and that of the people of Alabama that this professional organization has chosen to reward such deserving public servants.

Approved June 18, 1969.

Time: 1:00 P.M.

Act No. 22

S.J.R. 2—Torbert

SENATE JOINT RESOLUTION

WHEREAS, 120 young people forming the Handley High Band captured the attention of contest and parade spectators and judges with their distinctive uniforms, snappy maneuvers and bouncing music and thereby became first place winner of the marching competition for Classes 3 and 4 at the Dogwood Arts Festival recently held in Knoxville, Tennessee;

WHEREAS, in addition to winning first place in these classes in the marching competition they also won a huge trophy for the band's participation in other events at the Dogwood Arts Festival;

WHEREAS, these two Knoxville additions bring the Handley High Band's 1968-69 total of trophies to fourteen, earned in four competitions, the other twelve representing superior or first-place performances by band, drum major, flag corps and majorettes; and

WHEREAS, in winning first place for marching in Knoxville, Handley outstripped a number of bands made up entirely of senior high school students while Handley's band includes both junior and senior high school students; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mr. Ronald Hyche, the Band Director and each member of the Handley High Band for the excellence of the

band's performance, not only in Knoxville but throughout this season. We are justly proud of this outstanding band and of the fine young Alabama citizens who participate in this band; and we rejoice with them at having been accorded this signal honor, which they truly earned and richly deserve.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mr. Ronald Hyche, a copy to the principal of Handley High School and a copy to the local newspaper.

Approved June 18, 1969.

Time: 1:01 P.M.

Act No. 23

S.J.R. 3—Clark

SENATE JOINT RESOLUTION

Whereas, under Senate Resolution #58 adopted September 2, 1966, certain positions of employees of the Legislature were made permanent to remain and serve after the sine die adjournment of the Legislature at the same rate of pay for such time as needed by the Chairman of the Finance and Taxation Committee, and

Whereas, such positions have been considered permanent and covered under the Employees' Retirement System of Alabama from October 1, 1966,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That service rendered prior to October 1, 1966, shall be creditable in the Employees' Retirement System of Alabama upon payment of contributions which would have been made had these employees been allowed to join the Retirement System, plus regular interest to date of payment with such payments for all service rendered not to be creditable prior to 1957. Such payment shall be made within 8 months after passage of this resolution.

Approved June 18, 1969.

Time: 1:02 P.M.

Act No. 24

S.J.R. 4—Cooper

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the printed Acts

of the 1969 Extraordinary Session be bound with the printed Acts of the 1969 Regular Session.

Approved June 18, 1969.

Time: 1:03 P.M.

Act No. 25

S.J.R. 5—McCarley

SENATE JOINT RESOLUTION

WHEREAS the pay of active members of the armed forces of the United States is recomputed at certain intervals in order to reflect the rise of the cost of living index and career military personnel have labored under the belief that their retirement pay would be recomputed at the same time and in the same manner as is the pay of active military personnel; and

WHEREAS retired members of the armed forces have served their country in time of need, and richly deserve to receive the amount of pay upon which they have relied and confidently believed would be paid; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Congress of the United States be memorialized to enact such measures as may be necessary to provide that the pay of retired military personnel be recomputed on the same base and at the same time, as is the pay of active members of the armed forces.

RESOLVED FURTHER, That each member of Alabama's Congressional Delegation be urged to give this matter his consideration and support.

RESOLVED ALSO, That a copy of this resolution be sent to the Congress of the United States, to each member of Alabama's delegation in Congress and to the chairman of the House and Senate Armed Forces Committees.

Approved June 18, 1969.

Time: 1:04 P.M.

Act No. 26

S.J.R. 15—Nabors

SENATE JOINT RESOLUTION

WHEREAS, Etowah County was given its name by Legislative Act in 1868 after said county had been carved out of several adjoining counties; and

WHEREAS, The Board of Revenue of Etowah County adopted in 1968 a resolution providing for the celebration of the county's Centennial, and did appoint a number of citizens of the county to provide for the appropriate celebration of the county's one hundredth birthday; and

WHEREAS, the committee, among other things, was desirous of having a flag designed to be the symbol of Etowah County; and

WHEREAS, a large number of the citizens did submit designs to a selection committee for their acceptance and Jean Marie Williams and Denise Williams, the same being the daughters of Mr. and Mrs. James Williams, and who are now seventh and eighth grade students respectively of Alma Hinson Junior High School in Attalla, Alabama, did design the flag which was accepted by the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Jean Marie Williams and Denise Williams, although being of a very young age, exemplified the very best in American traditions in the designing of the flag for Etowah County on the celebration of its Centennial; and that they are hereby commended for this contribution to their county, state and nation.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Jean Marie Williams and Denise Williams at 222 Bain Street, Attalla, Alabama, and a copy forwarded to the Board of Revenue of Etowah County, Alabama, for insertion in the official records of Etowah County.

Approved June 18, 1969.

Time: 1:07 P.M.

Act No. 27

H.J.R. 24—Hain, Blanton, Owens (W)

HOUSE JOINT RESOLUTION

WHEREAS, Judge James A. Hare of Selma, Alabama, died Tuesday, May 20th, at 3:15 A.M., after a long illness, and

WHEREAS, Judge James A. Hare was born in Massilon, Dallas County, Alabama, May 17, 1906, the son of James Albert and Betty Kendrick Hare, whose forebears were among the early settlers of Dallas and Wilcox Counties, and

WHEREAS, James A. Hare was a graduate of Marion Institute and of the Law School of the University of Alabama;

a member of the State House of Representatives from Dallas County from 1934 to 1942; of the Alabama Code Committee of 1940; and Assistant Attorney General from 1940 to 1942; volunteered for service in the United States Air Force as a Lieutenant in 1942, and served with distinction in its Judge Advocate General's Department, principally in the China, Burma, India theater until discharged as a Lieutenant Colonel in 1946, and

WHEREAS, James A. Hare was appointed Solicitor, now known as District Attorney, of the Fourth Judicial Circuit in 1946 by Governor Chauncey Sparks; elected in 1948 and re-elected in 1954; and was President of the Alabama Association of Circuit Solicitors in 1950; appointed Judge of the Fourth Judicial Circuit in 1954 by Governor Gordon Persons, elected in 1958 and re-elected in 1964; and served as President of the Alabama Association of Circuit Judges in 1965-1966; and

WHEREAS, Judge James A. Hare was a strong believer in States Rights, who as a judge dealt even handed justice promptly and firmly to one and all alike, refusing at all times to permit his court to be abused or the laws of our state flaunted, and opposed violence in all forms, and

WHEREAS, James A. Hare was active in all phases of civic endeavor and in partial recognition thereof was elected to the Board of Trustees of Marion Institute in 1956 and as Director of the John Tyler Morgan Academy at its inception in June, 1965, serving as such until his death; was largely responsible for the creation of the Sturdivant Museum Foundation and served as its President in 1958, 1959 and 1960; was recipient of the "Book of Golden Deeds" award of the Selma Exchange Club presented December 12, 1968, in recognition of his outstanding service as Jurist, educator, and a leader in cultural and civic affairs of our community and State; and

WHEREAS, Judge James A. Hare was an outstanding citizen, a scholar deeply interested in all phases of knowledge and scholarly endeavors, who filled a position of respect and leadership that cannot be duplicated.

NOW THEREFORE BE IT RESOLVED by the Legislature, both Houses concurring, that due note of the death of the Honorable James A. Hare be made, and the Legislature does hereby express to the members of his family their great bereavement at this time and extend to them their full sympathy.

BE IT FURTHER RESOLVED that the Legislature does hereby take due note that the State of Alabama has truly lost one of its first citizens in the death of the Honorable James A. Hare.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journals of this body and copies forwarded to the members of the family.

Approved June 18, 1969.

Time: 1:09 P.M.

Act No. 28

H.J.R. 25—Nettles, Collins (C), Lyons,
Downing, Edington, Marr,
Wood, Grayson, Collins
(M)

HOUSE JOINT RESOLUTION

WHEREAS Robert Joseph Protivinsky of Dauphin Island, at the risk of his own life, daringly rescued five persons who were being swept out to sea by a squall off the island; and

WHEREAS Robert Joseph Protivinsky, eighteen years of age and a graduating senior at Alba High School, exemplifies the outstanding character, determination and bravery still found in the youth of today; and

WHEREAS Robert Joseph Protivinsky showed nimbleness of mind as well as that of body by thinking fast and moving fast, and fortunately for those concerned, was ingenious and resourceful in the manner of the rescue; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we commend Robert Joseph Protivinsky for his gallantry, courage and keenness of mind, and express our pride that one of our youth has shown himself to have those qualities in abundance and stands as an example to the young people of this nation and this state.

BE IT RESOLVED FURTHER, That an enrolled copy of this resolution be sent to Robert Joseph Protivinsky and to the principal of Alba High School.

Approved June 18, 1969.

Time: 1:10 P.M.

Act No. 29

H.J.R. 26—Graham, Lyons

HOUSE JOINT RESOLUTION

WHEREAS the Honorable Lister Hill, who has represented Alabama with such distinction for so many years, has retired and returned to Alabama; and

WHEREAS the unusually long list of honors, citations and recognitions accorded the Honorable Lister Hill by great universities, institutions and organizations of national and world-wide importance are proof of his greatness; and

WHEREAS Alabama is justly proud of this statesman whose many accomplishments mark the dedication, integrity and independence which are his outstanding characteristics; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an invitation is hereby cordially extended to the Honorable Lister Hill to speak to a joint meeting of the two Houses in June, 1969, on a day and hour to be determined by Senator Hill, the Speaker of the House, and the President of the Senate.

Approved June 18, 1969.

Time: 1:11 P.M.

Act No. 30

H.J.R. 27—Turnham, Agee, Bank, Bassett, Berryman (R), Bowers, Brannan, Brassell, Burgess, Cameron, Cherner, Collier, Collins (C), Collins (W), Cook (Coffee), Cook (Jefferson), Crawford, Culver, Dill, Dobbs, Doss, Downing, Drake, Edington, Ellis, Fine, Fite, Foshee, Gafford, Garrett, Gloor, Graham, Grainger, Grayson, Hain, Harper, Harris, Headley, Higginbotham, Hill, Hobbie, Holladay, Holman, House, Jackson (F), Jackson (T), Jones, Kilgore, Laxson, Lemley, Lybrand, Lyons, Malone, Manley, Marr, Mathews, McCorquodale, McDonald, McElhaney, McLain, Meeks, Melton, Merrill, Money, Nettles, Neville, Owens (W), Paulk, Pearson, Pennington, Perloff,

Pruitt, Robertson, Sessions,
Smith, Snell, Springer, Starnes,
Steagall, Stembridge, Stubbs,
Tuck, Waggoner, Watkins,
Weeks, Williams, Yeilding,
Young, Wood

HOUSE JOINT RESOLUTION

WHEREAS the successful launching, flight, and recovery of Apollo 10 has firmly established the leadership of the United States in the international competition for the conquest of space; and

WHEREAS this achievement has provided necessary experience and information which places this country on the threshold of a Lunar Landing; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature hereby commends Colonel Thomas P. Stafford, Commander John W. Young and Commander Eugene A. Cernan for their bravery, dedication and skill in successfully completing a dangerous and difficult mission, and we also commend and express our appreciation to Dr. Thomas O. Paine, administrator of the National Aeronautics and Space Administration, for the outstanding contribution his crews and staff have made to the credit and international prestige of the people of the United States; now therefore

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Paine, Colonel Stafford, Commander Young and Commander Cernan.

Approved June 18, 1969.

Time: 1:12 P.M.

Act No. 31

H.J.R. 28—Grainger

HOUSE JOINT RESOLUTION

WHEREAS The Honorable John David Snodgrass, Judge of the Twenty-Third Judicial Circuit and former member of this body, has recently received the 1969 Good Government Award of the Huntsville Junior Chamber of Commerce; and

WHEREAS Judge Snodgrass justly deserves this recognition. His ability, diligence and devotion to the court have inspired the members of bench and bar. He is usually the first

official in the courthouse at his desk in the morning, and is often the only official in the courthouse working at night. He is a living example of the maxim that there is no substitute for hard work; and

WHEREAS at thirty one years of age, Judge Snodgrass is the youngest circuit court judge in the state. His performance as a judge has proved that age is no requirement for competence on the bench. He displays a knowledge of the law and a judicial temperament surpassed by few of his older colleagues; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we salute Judge Snodgrass for his attainment and warmly commend him for his achievements and receipt of this great honor.

Approved June 18, 1969.

Time: 1:13 P.M.

Act No. 32

H.J.R. 29—Ellis, Bowers, Meeks, Waggoner, Holman, Kilgore, Weeks, Cook (Jefferson), Watkins, House, Jackson (T), Money, Sessions, Dill, Cherner, Gafford, Gloor

HOUSE JOINT RESOLUTION

WHEREAS Newman M. Yielding, Affectionately known throughout the state as "Red" will receive the honorary degree of Doctor of Laws from Birmingham Southern College, a school which he has served faithfully for many years, on Saturday, May 31, 1969; and

WHEREAS Newman "Red" Yielding has established himself as one of the south's leading college administrators, successfully guiding and directing the financial and educational affairs of Birmingham Southern College during an era in which it became one of the leading Liberal Arts Colleges in the Southeast; and

WHEREAS Newman "Red" Yielding has, during his distinguished career in the field of education, and during his term as acting President of Birmingham Southern College earned the admiration and respect of educators throughout the entire United States; and

WHEREAS the dedication and devotion of Mr. Yielding and his family to the religious and civic affairs of their com-

munity has long been a matter of great pride among those who have known and witnessed their unceasing efforts in this regard, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of this body are privileged to pay tribute to our colleague Newman "Red" Yielding on the occasion of his receiving this most outstanding and well deserved degree.

BE IT RESOLVED FURTHER, That an enrolled copy of this resolution be sent to the President of Birmingham Southern College.

Approved June 18, 1969.

Time: 1:14 P.M.

Act No. 33 H.J.R. 33—Collins (C), Grayson, Lyons, Perloff,
Marr, Collins (M), Downing, Wood,
Nettles, Edington

HOUSE JOINT RESOLUTION

WHEREAS, Frank C. Drane passed away on Wednesday, May 28, 1969; and

WHEREAS, He was the first and only manager of the Hotel Admiral Semmes in Mobile, serving conventions of all types both large and small; and

WHEREAS, After twenty years of serving in hotels in the South, including the Peabody Hotel in Memphis and the Thomas Jefferson Hotel in Birmingham, he was named Public Relations Manager of the National Hotel Company in Galveston, and at the time of his death he was serving this organization as a Vice President; and

WHEREAS, Mr. Drane has been past President of the Alabama Hotel Association, past President of the Mobile Innkeepers Association, Director for many years on the Board of the American Hotel Association, was a member of the Board of Directors of the Mobile Area Chamber of Commerce and other civic activities.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do hereby extend sympathy to the family of Frank C. Drane and join with his many friends in mourning his death.

It is further resolved that a copy of this resolution be spread upon the minutes of the Journal and that a copy be sent to the members of the family.

Approved June 18, 1969.

Time: 1:15 P.M.

Act No. 34 H.J.R. 34—Bank, Robertson, Culver, Brown

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body notes with profound regret the recent death of Mr. Claude Taylor, Jr., a highly esteemed citizen of Tuscaloosa, an outstanding golfer and athlete whose high sense of fair play was evident not only in his athletic competitions but in all his many civic, business and social dealings with his fellowman. The two houses of the Legislature unite in honoring Mr. Taylor and extending sympathy to his family.

Approved June 18, 1969.

Time: 1:16 P.M.

Act No. 35 H.J.R. 35—Bank, Culver, Robertson, Brown

HOUSE JOINT RESOLUTION

WHEREAS Mr. Charles Davis, Sr., an outstanding businessman and civic leader of Tuscaloosa who for many years contributed immeasurably to the growth and development of Tuscaloosa County and the City of Tuscaloosa has recently died, now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we mourn the passing of this outstanding citizen of our State and hereby extend our sincere sympathy to the surviving members of his family.

Approved June 18, 1969.

Time: 1:17 P.M.

Act No. 36

H.J.R. 37—Foshee, Jackson (F)

HOUSE JOINT RESOLUTION

WHEREAS, the Ninety-ninth Anniversary of the Annual Masonic Day Celebration will be held in Florala, Alabama, on June 24, 1969, which is Saint John's Day; and

WHEREAS, this commemorative exercise was instituted in 1870 by St. Chapel Masonic Lodge No. 377 at Chapel Hill, which Lodge was in 1873 named Lake City Lodge No. 377, and thereafter in 1912 consolidated with Fidelity Lodge F. & A. M. No. 685 at Florala. The celebration has been remarkably successful over the years in attracting outstanding statesmen and patriots as speakers and participants. Many dignitaries of the Masonic Order have likewise joined in these events, which have meant so much to the Masons and to the people; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly commend the fine organizations that are responsible for arranging these gala and festive occasions, and we join in welcoming to the forthcoming Annual Celebration the throng who will be afforded an opportunity to participate in this delightful and entertaining event.

RESOLVED FURTHER, That copies of this Resolution shall be sent to the Secretary of Fidelity Lodge F. & A. M. No. 685 at Florala, to the Grand Lodge F. & A. M., Montgomery, Alabama, and to the publishers of the Florala News.

Approved June 18, 1969.

Time: 1:18 P.M.

Act No. 37

S.J.R. 6—Cooper

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, that when they adjourn today, they adjourn to meet again on Thursday, May 22, 1969.

BE IT FURTHER RESOLVED BY THE SENATE, THE HOUSE CONCURRING, that when the two Houses adjourn on Thursday, they adjourn to meet again on Tuesday, May 27, 1969.

Approved June 18, 1969.

Time: 1:05 P.M.

Act No. 38

S.J.R. 13—Pierce

SENATE JOINT RESOLUTION

WHEREAS, The year 1969 marks the beginning of the 50th Anniversary Celebration of the League of Women Voters of the United States; and

WHEREAS, The League of Women Voters, which was founded in 1920 primarily to help 20 million women voters to carry out their new responsibilities, has in fact assisted men and women voters alike; and

WHEREAS, The League of Women Voters has provided nonpartisan information on candidates and ballot issues prior to elections, encouraged registration and informed voting and helped generations of women understand the structure and function of government; and

WHEREAS, The League of Women Voters of Alabama was established in 1951 to this same end; and

WHEREAS, The League of Women Voters, while nonpartisan in relation to candidates and political parties, has studied and acted upon many issues of government in the public interest; and

WHEREAS, The League of Women Voters of Alabama has strengthened state government in Alabama through its work on such issues as election law reforms, water pollution control, and additional revenue for education; now, therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the members of this Legislature unite in congratulating the League of Women Voters upon the 50th Anniversary of its founding and in commending the League for its long record of public service.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the League of Women Voters as a sincere expression of the high esteem in which it is held.

Approved June 18, 1969.

Time: 1:06 P.M.

Act No. 39

S.J.R. 14—Pierce, Goodwyn, Bailes

SENATE JOINT RESOLUTION

WHEREAS, the Legislature is informed of the imminent retirement of Mrs. Walter Bragg (Lillian) Smith, R.N., as the Executive Director of the Alabama State Nurses Association; and

WHEREAS, Mrs. Smith has been a familiar and beloved figure in the legislative halls of Alabama in past years and has brought honor and credit to her profession of nursing, to herself and to this state; and

WHEREAS, Mrs. Smith has always conducted herself with decorum, grace and pleasantness, and has always been most objective and truthful in presenting matters affecting nurses to the Legislature; and

WHEREAS, through Mrs. Smith's efforts much beneficial legislation affecting the practice of nursing, the regulation and licensing of nurses, and the promotion of education of nurses has been enacted into law, all of which is in the best interest of the citizens of Alabama; and

WHEREAS, Mrs. Smith has been deservedly honored numerous times by professional nurse associations, both within the state and nation; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature recognize this nurse's Nurse by expressing its sincere appreciation to her for her years of devoted service to worthwhile legislation in matters affecting nursing and to honor her for her tireless efforts in behalf of her profession.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Mrs. Smith, the Alabama State Nurses Association and the American Nurses Association.

Approved June 18, 1969.

Time: 1:08 P.M.

Act No. 40

H.J.R. 20—Springer, Fite, Adwell, Bassett, Berryman (R), Berryman (W), Blanton, Bolton, Bowers, Brannan, Brassell, Brown, Burgreen, Cameron, Cherner, Collier, Collins (C), Cook (Jefferson), Crane, Dill, Dobbs, Downing, Drake, Edington, Ellis, Fine, Foshee, Gafford, Garrett, Gloor, Graham, Grainger, Grayson, Hain, Hardin, Harper, Harris, Haygood, Headley, House, Higginbotham, Hill, Hobbie,

Jones, Holman, Jackson (F),
 Kilgore, Laxson, Lemley,
 Lybrand, Lyons, Malone, Manley,
 Mays, McCorquodale,
 McElhaney, McLain, Meeks,
 Melton, Merrill, Money, Nettles,
 Neville, Owens (W), Pearson,
 Pennington, Perloff, Robertson,
 Sessions, Slate, Smith, Starnes,
 Steagall, Stembridge, Stubbs,
 Tuck, Turnham, Waggoner,
 Weeks, Wood, Williams, Wright,
 Yeilding, Young

HOUSE JOINT RESOLUTION

RESOLVED BY THIS LEGISLATURE:

WHEREAS, the year 1969 marks the beginning of the 50th Anniversary Celebration of the League of Women Voters of the United States; and

WHEREAS, the League of Women Voters, which was founded in 1920 primarily to help 20 million women voters to carry out their new responsibilities, has in fact assisted men and women voters alike, and

WHEREAS, the League of Women Voters has provided nonpartisan information on candidates and ballot issues prior to elections, encouraged registration and informed voting and help generations of women understand the structure and function of government; and

WHEREAS, the League of Women Voters of Alabama was established in 1951 to this same end; and

WHEREAS, the League of Women Voters, while non-partisan in relation to candidates and political parties, has studied and acted upon many issues of government in the public interest; and

WHEREAS, the League of Women Voters of Alabama has strengthened State government in Alabama through its work on such issues as election law reforms, water pollution control, and additional revenue for education;

BE IT RESOLVED, That the members of this Legislature unite in congratulating the League of Women Voters upon the 50th Anniversary of its founding and in commending the League for its long record of public service.

BE IT FURTHER RESOLVED, That the Clerks of the House and Senate cause a copy of this resolution to be sent to

the League of Women Voters of Alabama and to the League of Women Voters of the United States as a sincere expression of the high esteem in which it is held.

Approved June 18, 1969.

Time: 1:20 P.M.

Act No. 41

S. 275—Albea

AN ACT

Proposing an amendment to the Constitution of Alabama relative to a special district ad valorem tax for public school purposes in each school district of Calhoun County except the school district comprising the City of Anniston.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become effective as a part of the said Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, each school district in Calhoun County, except the school district comprising the City of Anniston, shall have the power to levy and collect for public school purposes in such district an annual special ad valorem tax on the taxable properties in such district at a rate not exceeding in any one year five mills on each dollar of the value of the said properties as the same shall be assessed for state taxation; provided that prior to the levy of any special tax authorized in this paragraph, there shall be submitted to the electors of the district in which the tax is proposed to be levied, at a special election called for that purpose in the said district, the question of whether the said tax or any part thereof shall be levied, the rate thereof, the time it is to continue (which shall not exceed thirty years), and the purpose thereof, and the said tax shall be authorized at such election by a majority of the qualified electors of the district voting at such election; provided further, that if a majority of the qualified electors of any of the said districts participating in the election on the ratification of this amendment shall vote for the ratification of this amendment, then the approval of this amendment as expressed by the vote in said district in favor of its ratification shall, of itself, authorize the levy and collection of the said special tax for public school purposes in

that district for a period of thirty years commencing with the levy for the tax year for which taxes will become due and payable to the said district on the October 1 next following the date of the said election on the ratification of this amendment.

Elections on the question of the levy of a district tax under the provisions of this amendment may be held at any time and from time to time, provided, that if at any such election held after the ratification of this amendment the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in the same district within one year from the last election held under this amendment. Each such election held after the ratification of this amendment shall be called and held, the results declared, and the tax levied and collected in the same manner as now or hereafter provided by law in the case of school district taxes authorized by Amendment III to the Constitution of Alabama, except that no countywide tax shall be required as a condition precedent for a district tax under this amendment.

The funds arising from the district tax herein authorized to be levied in each school district shall be expended for the exclusive benefit of the school district in which such district tax is levied. Nothing in this amendment shall be deemed to prevent the consolidation of any two or more school districts in Calhoun County in accordance with the applicable provisions of general law.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama of 1940, as amended.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed by the Senate, as amended, June 4, 1969.

Passed by the House June 17, 1969.

SENATE JOINT RESOLUTION

WHEREAS, plans have been made by the Legislative Advisory Council of the Southern Regional Education Board for the 18th annual Legislative Work Conference on Southern Regional Education for July 10-11 at the Velda Rose Towers, Hot Springs, Arkansas, and

WHEREAS, each Governor customarily appoints a delegation of key legislators to participate in the Work Conference, and

WHEREAS, it is deemed beneficial to the interest of the State to have a delegation of key legislators attend this Conference, and

WHEREAS, the Governor of Alabama has been requested to designate members of the Legislature to attend said Conference;

NOW, THEREFORE, the Senate of Alabama, the House of Representatives, concurring, that an amount be appropriated out of the General Fund for legislative expenses to cover the expenses which may be incurred by said members who are appointed by the Governor to attend said Conference.

Approved June 23, 1969.

Time: 3:07 P.M.

Act No. 43

S.J.R. 9—Morrow

SENATE JOINT RESOLUTION

WHEREAS, on May 7, 1915, the S.S. Lusitania was sunk by a German submarine off the Irish coast, there being more than 100 American citizens aboard. This was an affront to the people of the United States of America, a basic challenge to the principles upon which our country was founded, FREEDOM, freedom of the Air, Sea and the individual.

WHEREAS, our government made every effort to effect a settlement of the conflict which had been raging against other free nations of the world for more than two years.

WHEREAS, the German submarines continued to sink ships on the high seas including a number of ships flying the American flag.

WHEREAS, this being a direct challenge to a nation of people who was dedicated to the principles of FREEDOM and the pursuit of happiness.

WHEREAS, on April 6, 1917, President Woodrow Wilson signed a Declaration of War against Germany, approved by both Houses of Congress.

WHEREAS, every qualified citizen in Alabama answered the call of our country to defend the principles we hold dear, without complaint or resentment.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to take this means of HONORING the Veterans of World War I of the State of Alabama for their unselfish service in defending our State and Nation in 1917 and 1918.

RESOLVED FURTHER, That copies of this resolution be sent to E. C. Stuckey, Veterans of World War I, Jeff Davis Barracks 1694, P.O. Box 7086, Montgomery, Alabama, host for the Annual State Convention, to be held on July 24, 25, and 26, 1969.

Approved June 23, 1969.

Time: 3:10 P.M.

Act No. 44 S.J.R. 10—Hawkins, Morrow, Vacca, Dominick,
Childs, Gilmore, Bailes

SENATE JOINT RESOLUTION

WHEREAS, the American Insurance Association, the firm that grades the cities' fire defenses and physical conditions for insurance purposes, came to Birmingham and surveyed that city's fire department in May 1967, and released their supplemental report in October, 1967; and

WHEREAS, the fire department has a relative value of 1500 points of deficiency that can be charged against it and for each 10 per cent or 150 points charged against it a city will drop another class, and in 1959, Birmingham had 466 points charged against the fire department and so they were in Class 4, and in 1967 there were only 300 points charged against it and it was then moved into a Class 2 department; and

WHEREAS, since there are only thirty-eight cities in the United States with a Class 2 fire department, the Birmingham Fire Department was placed in the top one-half of 1 per cent of all fire departments, a record of which to be proud; and

WHEREAS, there are only seven cities in the United States that fall into a Class 1 department, and with the additional men that have been hired by the Birmingham Fire Department and the one new engine company in the eastern section of the City of Birmingham, that city might well be the next city to reach a Class 1 department; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Alabama Legislature do hereby commend the Birmingham Fire Department and the Birmingham City Officials for the outstanding work in achieving this position.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Birmingham Fire Fighters Association 117, the Birmingham City Council and to the Mayor.

Approved June 23, 1969.

Time: 3:12 P.M.

Act No. 45

S.J.R. 22—Turner

SENATE JOINT RESOLUTION

WHEREAS, the Ninety-ninth Anniversary of the Annual Masonic Day Celebration will be held in Florala, Alabama, on June 24, 1969, which is Saint John's Day; and

WHEREAS, this commemorative exercise was instituted in 1870 by St. Chapel Masonic Lodge No. 377 at Chapel Hill, which Lodge was in 1873 named Lake City Lodge No. 377, and thereafter in 1912 consolidated with Fidelity Lodge F. & A.M. No. 685 at Florala. The celebration has been remarkably successful over the years in attracting outstanding statesmen and patriots as speakers and participants. Many dignitaries of the Masonic Order have likewise joined in these events, which have meant so much to the Masons and to the people; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly commend the fine organizations that are responsible for arranging these gala and festive occasions, and we join in welcoming to the forthcoming Annual Celebration the throng who will be afforded an opportunity to participate in this delightful and entertaining event.

RESOLVED FURTHER, That copies of this Resolution shall be sent to the Secretary of Fidelity Lodge F. & A.M. No. 685 at Florala, to the Grand Lodge F. & A.M., Montgomery, Alabama, and to the publishers of the Florala News.

Approved June 23, 1969.

Time: 3:05 P.M.

Act No. 46

S. 116—Turner

AN ACT

Relating to counties having populations of not less than 14,900 nor more than 15,200; amending Act No. 122, H. 91, approved March 29, 1965 (Acts of Alabama, First Special Session 1965, p. 175).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 122, H. 91, First Special Session 1965 (Acts of Alabama, Special Session 1965, p. 175), an act relating to counties having populations of not less than 14,900 nor more than 15,200 and providing expense allowances for the chairman or presiding judge and members of the court of county commissioners, board of revenue, or other like governing body of the county is hereby amended so as to read as follows:

"Section 1. In all counties having populations of not less than 14,900 nor more than 15,200, according to the most recent federal decennial census, the court of county commissioners, board of revenue, or other like governing body of the county may provide from general funds in the county treasury an expense allowance for the chairman or presiding judge and the members of the court or board, provided the amount thereof shall not exceed \$200 a month. The amount of the allowance shall be fixed by resolution of the court or board, as the case may be, and shall be recorded in the minutes of the court.

"In addition to such expense allowance the members of the county governing body and the presiding judge or chairman thereof shall each be entitled to their reasonable, necessary and actual expenses incurred in attending state and national conventions of probate judges and county commissioners when duly authorized by resolution of the court or board."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1969.

Time: 3:00 P.M.

Act No. 47

H. 16—Merrill, Lybrand

AN ACT

To amend Section 3 of Act No. 441, Acts of Alabama, Regular Session 1967, page 1114, relating to all counties having populations of not less than 76,000 nor more than 96,000, according to the most recent

Federal decennial census, further regulating the compensation and allowances of the chairmen and members of the court of county commissioners, board of revenue, or other like county governing body; to provide for actual expenses for travel outside the county on county business and to validate payments heretofore made for such travel.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 441, Acts of Alabama, Regular Session 1967, page 1114, is hereby amended to read as follows:

"Section 3. All compensation and allowances provided herein which shall be the entire compensation provided for such chairmen and members shall be paid in equal monthly amounts out of any funds of the county available for such purposes; provided, however, that for travel outside the county on county business, the chairmen and members thereof shall be paid, in addition to allowances provided herein, their actual expenses of travel and ten cents per mile or cost of commercial transportation."

Section 2. Actual expenses paid for cost of travel outside the county on county business prior to passage of this act and subsequent to September 7, 1967 are hereby validated and approved.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 25, 1969.

Time: 3:00 P.M.

Act No. 48

H. 326—Brassell, Higginbotham

AN ACT

Relating to Russell County: To create and establish in Russell County a court with county-wide limited jurisdiction of certain criminal cases and civil actions at law to be known as the "Court of Common Pleas of Russell County," defining its jurisdiction, providing it with officers and prescribing their powers, duties, compensation, terms of office, and the manner of their selection, appointment or election; regulating its procedure and process and the return of warrants thereto; abolishing the existing county court of Russell County, and providing for the transfer and trial of cases pending in the abolished court to the newly created Court of Common Pleas of Russell County.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Russell County a court with county-wide limited jurisdiction of criminal cases and civil actions at law. The court shall be known as the "Court of Common Pleas of Russell County." It shall be in lieu of the county court of Russell County which is hereby abolished.

Section 2 (a). Except as provided in subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings, cases and actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of actions in ejectment, cognizable before the circuit court, or a county court, or justices of the peace or courts created in lieu of justices of the peace, and all courts of like jurisdiction. It may adopt and enforce rules and regulations relative to pleading, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State, and law-made rules governing practice and procedure.

(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of civil actions of ejectment or actions in the nature of ejectment or of any civil actions when the matter or sum in controversy exceeds one thousand dollars, nor take cognizance of any matter or proceeding in equity. The court shall not have jurisdiction of workmen's compensation cases, libel, slander, or juvenile or domestic relation cases. When the action is in detinue in which the plaintiff seeks to recover on a chattel mortgage or a conditional sales contract, the amount in controversy shall, for the purpose of determining jurisdiction, be the balance of the mortgage debt or purchase price, as the case may be, or the value of the property in suit whichever may be less; and where the action is for forcible entry or unlawful detainer, the amount in controversy shall, for the purpose of determining jurisdiction, be the amount of damages claimed. The court shall have jurisdiction of proceedings for discovery of assets of judgment debtors and shall exercise such jurisdiction in the same manner that is provided by law with respect to civil judgments in circuit courts. The court shall also have such other powers and authority that are, or may hereafter be, conferred upon the circuit courts, except as otherwise provided in this act.

Section 3 (a) The judge of the Court of Common Pleas of Russell County shall be a resident citizen and a qualified elector of Russell County, at the time of his appointment or election, and shall reside in the county during his continuance in office.

He shall be learned in the law, and duly licensed to practice law in this State.

(b) Immediately after the passage of this act, the Governor shall appoint a qualified person as judge of the Court of Common Pleas of Russell County, and shall issue a commission to him as such judge. He shall hold office until a successor is elected as provided hereinafter.

(c) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1970, and every four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(d) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution, in the manner provided by law, and shall be subject to the same penalties and obligations as circuit judges.

(e) In the event of a vacancy in the office of judge, the Governor shall appoint a qualified person as judge and the person so appointed shall hold office as is provided in Sections 158 and 159 of the Constitution.

(f) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code.

(g) The judge shall receive a salary of seven thousand two hundred dollars (\$7,200) per annum, payable out of the Court of Common Pleas fund of the county in equal monthly installments as the salaries of other county officers are paid.

(h) The judge shall have authority to: (1) administer oaths and take acknowledgments; (2) issue search warrants; (3) exercise such other powers, jurisdiction or authority as may now or hereafter be conferred by law upon circuit judges, judges of county courts, and justices of the peace, including that of magistrates on preliminary examinations. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts.

(i) In the absence of the regular judge, the clerk of the court may, if no special judge has been appointed, accept a defendant's written, sworn plea of guilty and assess against such defendant such fines and costs as may be authorized by law; and any judgment so rendered by the clerk shall have the same force and effect as a judgment rendered by the judge of the court.

Section 4. (a) The Court of Common Pleas of Russell County, shall be open for transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

(b) Sessions of the court shall be held at the county courthouse. Regular sessions for the trial of criminal cases shall be held on the first Monday of each month. On the third Monday of each month there shall be a call of the docket of the court for the handling, trial and disposition of all criminal cases where the defendant has been confined in jail for five days or more and has failed to make bond, and of such other criminal cases in which the defendant shall request a trial in time for the witnesses to be summoned and caused to appear at the trial. On the first Tuesday after the first Monday and the first Tuesday after the third Monday in each month there shall be a session of said court and a call of the docket of said court for the handling, trial and disposing of civil cases. Special sessions may be held at such times as the judge shall designate. Sessions may continue so long as may be necessary for the court to complete its business. The judge may fix reasonable hours for the holding of court.

Section 5. The sheriff shall attend the sessions of the court in person or by deputy. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the county court or the circuit court.

Section 6. The district attorney of the Twenty-Sixth Judicial Circuit of Alabama shall be the solicitor of the Court of Common Pleas of Russell County. Said solicitor shall attend all sessions of said court and do and perform all duties of a solicitor therein and in addition shall attend and represent the State at all preliminary hearings therein and shall do and perform all duties required of a deputy solicitor by Code of Alabama, 1940, Title 13, Section 256. As compensation for his duties in prosecuting in said court the solicitor shall receive a salary of two thousand four hundred dollars (\$2,400) per annum, payable out of the Court of Common Pleas fund of the county in equal monthly installments as the salaries of other county officers are paid.

Section 7. (a) The circuit clerk of Russell County shall be the ex-officio clerk of the Court of Common Pleas of Russell County. The clerk shall receive for such services the sum of \$600.00 per annum which sum shall be payable in equal monthly installments from the general fund of the county, and in addition to his regular salary, fees, commissions or compensation, he shall be entitled to receive as compensation for his services as clerk of this court the same fees, commissions, per-

centages, allowances, and other compensation that are or may hereafter, be allowed to circuit clerks in the State of Alabama. In making his settlement with the state or county, as the case may be, the clerk shall retain such fees, commissions, percentages or allowances from any monies collected as fees, fines and costs in said court. He shall have authority to purchase at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. Before entering upon the performance of his duties as clerk of the Court of Common Pleas of Russell County, he must give bond as required by law for clerks of county courts.

(b) It shall be the duty of the clerk to keep all the records, files and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority to: (1) administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including affidavits, summonses, subpoenas, writs, executions, commitments and releases making same returnable to the court hereby established; (3) to approve bonds in civil and criminal cases including appeal bonds; (4) to enter all judgments, orders and decrees of the court; (5) to certify all appeals and transcripts; (6) to exercise all powers and authority which are now or may be hereafter conferred on clerks of county courts.

Section 8. (a) Except as otherwise provided in this act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing the circuit courts.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within fifteen days, and the process issued shall so recite. Except as herein provided, the provisions of law, now or hereafter, governing the filing of interrogatories to parties to suit and the taking of depositions in the circuit courts of this State shall also govern the filing of interrogatories and the taking of depositions in the court hereby established; the parties being required to answer within thirty days.

(c) All garnishment proceedings in the court shall be governed by the provisions of Chapter 27 of Title 7, Code of Alabama 1940, except that the garnishee shall appear and file his

answer within fifteen days after the service on him of process of garnishment and the process shall so recite.

Section 9. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

Section 10. (a) For their attendance upon the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the county courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit courts, except that such fees shall be paid out of the county general fund.

(b) In addition to the fees for witnesses the court shall have authority to tax costs and commissions for the use of the officers of the court as follows: (1) in each civil action at law the same as the circuit court; (2) in each criminal case the same as in the county courts, including fees as provided by Section 89, paragraph 2, Title 11 of the Code of Alabama 1940.

(c) A trial tax of one dollar (\$1.00) shall be collected for the use of the county in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100.00). In every other civil action at law, and in every criminal case, a trial tax of two dollars (\$2.00) shall be collected for the use of the county.

Section 11. Prosecutions may be commenced in the court upon the sworn complaint made to the judge or district attorney, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty, or upon sworn complaint made as prescribed by Code of Alabama, 1940, Title 13, Section 327. The case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

Section 12. Any party aggrieved by a judgment, order, or ruling of the court may appeal the decision as herein provided: (1) If the case is a civil case, the appeal or certiorari lies to the circuit court of Russell County and shall be governed by Article 6 of Chapter 8, Title 13, of the 1940 Code, where the trial shall be de novo with trial by jury where demanded by either party as provided by Code 1940, Title 7, Section 264. Where a civil case is tried on appeal in the circuit court and the sum in controversy does not exceed one hundred dollars (\$100.00) the

issues shall be made up as provided by Code, 1940, Title 13, Section 486; otherwise the pleadings and trial shall be according to the regular rules of pleading and practice in the circuit court. (2) In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the Code of 1940, but with appeal bond to be approved by the clerk and with trial by jury on demand by the defendant as prescribed by Code 1940, Title 13, Section 326.

Section 13. The party in whose favor a judgment is rendered shall have all the rights, remedies, and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11 of Title 7 of the 1940 Code.

Section 14. The judge of the court shall have the power to punish for contempt in all cases where the judges of the circuit courts of this State may punish for contempt, by fine not exceeding fifty dollars (\$50.00) and by imprisonment not to exceed five days, or by both fine and imprisonment.

Section 15. The County Court of Russell County is hereby abolished, and all cases pending in such abolished court when this act becomes effective shall be transferred from the docket of that court to the Court of Common Pleas of Russell County created by this act. The cases thus transferred shall proceed in the court of common pleas as though begun therein. This court shall have the same power to control judgments rendered by the abolished court and to issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1969.

Time: 3:05 P.M.

Relating to all counties having populations of not less than 27,000 nor more than 30,000, according to the most recent federal decennial census; to prescribe the qualifications of the county superintendent of education in each such county; and to regulate his compensation and expense allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties of the state having populations of not less than 27,000 nor more than 30,000, according to the most recent federal decennial census.

Section 2. The county superintendent of education in every county in which this Act applies shall be a person of good moral character, of recognized ability as a school administrator, with academic and professional education equivalent to graduation from a standard university or college, having a master's degree; and he shall have had not less than five years of experience in public school work. He need not be a qualified elector of the county nor of the State of Alabama.

Section 3. The salary of the county superintendent of education in every county in which this Act applies shall be fixed by the county board of education at an amount not exceeding \$15,000 a year. Such salary shall be payable at the time and in the manner prescribed by the general laws of Alabama regulating the payment of compensation of county superintendents of education. Each such county superintendent of education shall also be allowed travel expenses not to exceed \$2,400 a year, exclusive of extraordinary expenses. Such allowances for extraordinary expenses shall be made on the basis of each individual request therefor and in such amount as the county board of education, in its discretion, determines is reasonable under the circumstances and specifically authorizes.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws, general, local or special, in conflict herewith are hereby superseded and repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1969.

Time: 3:07 P.M.

To amend further Section 1 of Act No. 99, H. 437, Regular Session 1957, as amended, an act fixing the compensation of the county superintendent of education of Washington County, relative to the amount of compensation of said superintendent.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 99, Regular Session 1957, (Acts 1957 p. 137) as amended, is amended further to read as follows:

"Section 1. The county superintendent of education of Washington County shall receive an annual salary not to exceed the sum of an amount equal to the highest salary paid to any teacher or principal in the county school system plus an amount equal to 25% of such highest paid salary. The salary herein provided for the superintendent of education shall be fixed by the county board of education and shall be payable in equal monthly installments out of county funds available for such purpose."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1969.

Time: 3:08 P.M.

Act No. 51

H. 39—Foshee, Jackson (F)

AN ACT

Proposing an amendment to the Constitution of Alabama providing for a special school tax in school districts number 1 and 2, Covington County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part thereof when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

Proposed Amendment

1. The governing body of Covington County shall have power to levy and collect annually a special school district tax not exceeding fifty cents on each one hundred dollars worth of taxable property in school districts number 1 and 2, Covington

County, as assessed for state taxation, for public school purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the districts and voted for by a majority of those voting at such election. Such tax shall be in addition to all other taxes provided for by law. The funds arising from such special district tax levied and collected by the county shall be expended for the exclusive benefit of the public schools in said districts. Elections under this amendment shall be called, held, and conducted in relation to the levying of special school district taxes under the third amendment to the Constitution.

2. If a majority of the qualified electors of school districts number 1 and 2, Covington County, who participate in the election on the adoption, then the approval of the amendment as expressed by such vote shall of itself authorize the levying of the special tax provided for herein at the maximum rate specified for a period not exceeding twenty years.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 3, 1969.

Passed the Senate June 19, 1969.

Act No. 52

H. 37—Graham, Berryman (W)

AN ACT

Proposing an amendment to the Constitution of Alabama providing for a special school tax in school districts number one and two in Colbert County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed:

AMENDMENT

The governing body of Colbert County shall have power to levy and collect annually a special school district tax not exceeding one dollar on each one hundred dollars worth of taxable property in school districts number one and number two in Colbert County, as assessed for state taxation, for public school purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the districts and voted for by a majority of those voting at such election. Such tax shall be in addition to all other taxes provided for by law. The funds arising from such special district tax levied and collected by the county shall be expended for the exclusive benefit of the districts. Elections under this amendment shall be called, held, and conducted in the same way that elections are called, held, and conducted in relation to the levying of special school district taxes under the third amendment to the Constitution.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 3, 1969.

Passed the Senate, June 24, 1969.

Act No. 53

H. 509—Berryman (R)

AN ACT

To propose an amendment to the Constitution of Alabama relating to Lawrence County that would empower each school district in said

county, when authorized at an election therein, to levy and collect a special five mill district school tax on the assessed valuation of the taxable property in such district for public school purposes in such district, and conferring upon the county board of education of said county the power under some circumstances and without an election to change the boundaries of any school district in said county or consolidate any two or more school districts therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, to become valid as a part of the Constitution of Alabama when approved by a majority of the qualified electors of said state voting thereon:

Each school district of Lawrence County shall, subject to authorization at an election in such district as hereinafter provided, have power to levy and collect a special district tax, at a rate not exceeding five mills on each dollar (being equivalent to 50 cents on each \$100) of the assessed valuation of the taxable property in such district for public school purposes therein, which special tax shall be in addition to all taxes now authorized or that may hereafter be authorized by the Constitution of Alabama to be levied in such district; provided, that no tax shall be levied under this amendment unless the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district in which the tax is proposed to be levied and shall have been authorized by a majority of the qualified electors voting at the election at which the submission is made. Each election held under this amendment shall be called and held, the ballots canvassed, the results declared, and the tax levied and collected in the same manner as is now or may hereafter be provided by law in the case of school district taxes authorized by Amendment III to the Constitution of Alabama, except that no countywide tax shall be required to be levied as a condition precedent to either the authorization or levy of a district tax under this amendment. The holding of one election shall not preclude a later election in the same district under the authority of this amendment. The proceeds of any special district tax authorized by this amendment shall be expended solely for public school purposes in the district in which the tax shall be levied.

The County Board of Education of Lawrence County may from time to time, without the necessity of any election, change the boundaries of any school district at any time existing in the county, or consolidate any two or more school districts therein, if the taxes authorized to be levied for public school purposes in all of the territory in such district after such change of boundaries or consolidation is effected shall be at the same aggregate rate and for the same duration of time;

provided, that nothing contained herein shall be construed to impair or permit the impairment of the obligation of any contract created with respect to any securities theretofore issued with respect to any such school district. The provisions of the preceding sentence shall not be deemed to abridge any existing power conferred on the said County Board of Education by any existing law, but shall be in addition thereto.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 210 to 214, inclusive, of Title 17 of the Code of Alabama of 1940.

Section 3. Notice of the election upon the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse in such county.

Constitutional Amendment.

Passed the House June 10, 1969.

Passed the Senate June 24, 1969.

Act No. 54

H.626—Steagall

AN ACT

To propose an amendment to the Constitution relating to the levy and collection of special property taxes for educational purposes in the City of Ozark and in the territory of Dale County exclusive of Ozark.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

Proposed Amendment

The court of county commissioners, board of revenue or like governing body of Dale County shall have the power to levy and collect a special property tax in addition to all other taxes, now or hereafter authorized by the Constitution and laws of

Alabama, of not exceeding one-half of one per cent on the value of the taxable property in the county situated outside the corporate limits of Ozark, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Ozark, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Ozark shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Amendment III, Article XIX, of the Constitution of Alabama. The tax on property situated outside the corporate limits of Ozark shall be collected in the same manner and under the same requirements and laws as the taxes of the State are collected, and the revenues derived from such tax shall be used solely for school construction and other educational purposes in the territory of the county outside the corporate limits of Ozark.

The City of Ozark shall likewise have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property situated within the corporate limits of the city, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on property situated within the corporate limits of Ozark shall be ordered and held in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The additional tax, authorized by this amendment to be levied on property situated within the corporate limits of Ozark shall be collected in the same manner and under the same requirements and laws as

other taxes levied on property by the City of Ozark are collected, and the revenues derived from this tax shall be used solely for school construction and other educational purposes within the limits of the City of Ozark.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

This amendment shall be self-executing.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 10, 1969.

Passed the Senate June 25, 1969.

Act No. 55

H. 53—Collier

AN ACT

To fix the allowance for travel expenses provided the sheriff of Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to his salary as prescribed by law the sheriff of Elmore County shall be entitled to an allowance of two hundred fifty dollars (\$250) a month for travel expenses. The allowance shall be paid from the general funds of the county.

Section 2. This Act supersedes the provisions of Section 2 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63) in conflict herewith.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1969.

Time: 3:30 P.M.

Act No. 56

H. 54—Collier

AN ACT

To amend further Section 6 of Act No. 49, H. 213, Regular Session 1957, an act providing for a chief deputy sheriff and other deputies of the sheriff of Elmore County and regulating their compensation and allowances.

Be It Enacted by the Legislature of Alabama:

Section 6 of Act No. 49, H. 213, Regular Session 1957, an act providing for a chief deputy sheriff and other deputies of the sheriff of Elmore County (Act 1957, v. 1, p. 92), is hereby amended to read as follows:

"Section 6. Subject to the approval of the court of county commissioners, board of revenue, or other like governing body of Elmore County, the said Chief Deputy and the Deputies authorized in Sections 3, 4, and 5 hereof, in addition to their regular monthly compensation, shall each be paid for traveling in the performance of his official duties as such Chief Deputy and Deputies in all cases where he provides his own automobile and pays for operating the same, the sum of \$250 a month for expenses."

Approved June 27, 1969.

Time: 3:03 P.M.

Act No. 57

H. 221—Mathews

AN ACT

Relating to all counties having populations of not more than 10,800, according to the most recent federal decennial census; further regulating the salary of the county superintendent of education in each such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the county superintendent of education in all counties having populations of not more than 10,800, according to the most recent federal decennial census, shall be fixed by the county board of education at an amount deemed adequate and feasible; and such salary shall be payable at the time and in the manner prescribed by the general laws of

Alabama regulating the payment of compensation of county superintendents of education.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1969.

Time: 3:05 P.M.

Act No. 58

H. 363—Steagall

AN ACT

Relating to Dale County; providing further for the compensation of superintendent of education; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The superintendent of education of Dale County shall be entitled to a salary of twelve thousand dollars (\$12,000) per annum, and such allowance for travel and other expenses as shall be fixed by the county board of education. Such salary and allowance shall be paid in equal monthly installments out of any funds available to the Dale County board of education and shall be the entire compensation to which the county superintendent of education is entitled.

Section 2. All laws and parts of laws, both general and special, in conflict with this act are repealed.

Section 3. This act shall become effective July 1, 1969.

Approved June 27, 1969.

Time: 3:06 P.M.

Act No. 59

H. 364—Steagall

AN ACT

To repeal Act No. 76, H. 457, Regular Session 1965 (Acts 1965, p. 104), entitled "An Act relating to counties having populations of not less than 31,000 nor more than 32,000; to fix the compensation of superintendents of education of such counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 76, H. 457, Regular Session 1965 (Acts 1965, p. 104), entitled "An Act relating to counties having populations of not less than 31,000 nor more than 32,000; to fix the compensation of superintendents of education of such counties," is hereby repealed.

Section 2. This act shall become effective July 1, 1969.

Approved June 27, 1969.

Time: 3:08 P.M.

Act No. 60

H. 395—Young

AN ACT

To regulate the compensation of the county superintendent of education of counties having a population of 10,800 to 12,000 according to the latest federal census; and repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the county superintendent of education of counties having a population of 10,800 to 12,000 according to the latest federal census shall be an annual salary of \$200.00 more than the salary of the highest paid principal of counties having a population of 10,800 to 12,000 according to the latest federal census. The salary of the superintendent of education shall be payable in equal monthly installments from the public school funds of the county in the manner prescribed by law, in addition to any expense allowance presently paid.

Section 2. Act No. 173, S. 510, approved July 29, 1955, and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect immediately upon the expiration of the term of office of the incumbent superintendent of education.

Approved June 27, 1969.

Time: 3:10 P.M.

Act No. 61

H. 589—Dobbs

AN ACT

Relating to counties having a population of not less than 51,000 nor more than 56,000 according to the most recent federal decennial

census; to grant an allowance for clerical help to the circuit clerks in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 51,000 nor more than 56,000 according to the most recent federal decennial census, the circuit clerks of such counties shall receive an allowance for clerical help of \$2,400 per year. Said allowance shall be in addition to any allowances for clerical help now received by said clerks, and shall be paid from the general funds of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1969.

Time: 3:12 P.M.

Act No. 62

H. 610—Lemley

AN ACT

Relating to counties having population of not less than 25,400 nor more than 25,600, according to the most recent federal decennial census; providing for the County Board of Education to set the annual salary of the Superintendent of the County Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 25,400 nor more than 25,600, according to the most recent federal decennial census, the County Board of Education in such county, shall be empowered to set the annual salary of the Superintendent of the County Board of Education in said county.

Section 2. All laws or parts of laws which conflict with the Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1969.

Time 3:15 P.M.

Act No. 63

H. 651—Berryman

AN ACT

To regulate the compensation of county superintendents of education in counties having populations of not less than 22,500 nor more than 24,550.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 22,500 nor more than 24,550, according to the last or any subsequent federal decennial census, the county superintendents of education shall each be entitled to receive an annual salary of not less than \$10,000 per annum and not to exceed \$13,500, which shall be paid from county school funds as provided by law, and shall be fixed by the County Board of Education.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1969.

Time: 3:20 P.M.

Act No. 64

H. 737—Fite

AN ACT

To provide for the expenses of members of the Boards of Educations in counties having a population of not less than 14,500 nor more than 14,900 according to the last federal decennial census and to limit such payment to \$50.00 per month.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 14,500 nor more than 14,900 according to the last federal decennial census each member of the boards of education shall receive, in addition to all other expenses allowed, the sum of \$50.00 per month for expense to be paid from the public school funds of the county each month.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1969.

Time: 3:20 P.M.

Act No. 65

H. 738—Fite

AN ACT

To provide for additional expenses for additional travel for the chairmen and members of the County Boards of Revenue or other County Governing Bodies in counties having a population of not less than 20,100 nor more than 21,850 according to the last federal decennial census and to limit such additional expense payments to \$50.00 per month to the Chairman of such county governing body and to \$100.00 per month to the members thereof, and to provide an expiration date for this Act: and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other obligations and duties now imposed by law upon all chairmen and members of county Boards of Revenue or other county governing bodies in lieu thereof in counties having a population of not less than 20,100 nor more than 21,850, the said chairmen and members of the county governing bodies, upon request and at their discretion, shall meet informally in any beat in their respective counties for the purpose of hearing matters of interest to the citizens of that beat pertaining to county business.

Section 2. In addition to all other expense payments and allowances to chairmen of county Boards of Revenue or other county governing bodies in lieu thereof, they shall be paid the sum of \$50.00 per month for expenses in carrying out the provisions of Section 1 of this Act.

Section 3. In addition to all other expense payments and allowances to members of county Boards of Revenue or other county governing bodies in lieu thereof, they shall be paid the sum of \$100.00 per month for expenses in carrying out the provisions of Section 1 of this Act.

Section 4. The expenses authorized to be paid in this Act shall be paid monthly from the gasoline tax funds of said counties and in the same manner as the salaries are paid and such payments shall begin on the date of approval of this Act by the Governor and shall cease at the expiration of the term of office under which each is now serving.

Section 5. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed, especially

that portion of Act No. 633, Legislature of Alabama 1947, approved October 8, 1947, in conflict herewith.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1969.

Time: 3:23 P.M.

Act No. 66

H. 739—Fite

AN ACT

To further provide for the expenses of the County Solicitor in counties having a population of not less than 21,800 nor more than 21,850, according to the last or any subsequent federal decennial census, and to limit such payment to one hundred dollars (\$100) per month for travel required.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 21,800 nor more than 21,850 according to the last or any subsequent federal decennial census the county solicitor in each such county shall be required to accompany any member or members of the County Board of Revenue or other governing body to each district in the county when, in the discretion of the Board or other governing body of such counties, his services as such county solicitor may be needed there. The county solicitor shall be paid the sum of one hundred dollars (\$100.00) per month for expenses for such travel which shall be paid monthly beginning the first day of the first month after the effective date of this act, and such payments shall cease at the expiration of the term of office under which the present said county solicitors are now serving.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall terminate and expire upon

the completion of the term of office for which such county solicitor is now serving.

Approved June 27, 1969.

Time: 3:25 P.M.

Act No. 67

H. 740—Fite

AN ACT

To provide for additional expenses of Chief Deputy Sheriffs in counties having a population of not less than 20,100 nor more than 21,850 according to the last federal decennial census and to limit such additional payments for expenses to \$100 per month and to provide an expiration date for this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other expense payments and allowances to chief deputy sheriffs in counties having a population of not less than 20,100 nor more than 21,850 according to the last federal decennial census they shall receive an additional sum of \$100 per month for expenses to be paid in the same manner and from the same funds as their salaries are paid.

Section 2. The expenses provided in Section 1 of this Act shall commence on the date of approval of the Act by the Governor of Alabama and shall cease on the expiration of the present term of office of the chief deputy sheriffs to which this Act applies.

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1969.

Time: 3:27 P.M.

Act No. 68

S. 231—Turner

AN ACT

To amend Act 22, First Special Session 1969, approved May 14, 1969 so as to change the effective date thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act 22, H.B. 29, First Special Session, 1969, approved May 14, 1969, be and is hereby amended to read:

"Section 3. This Act shall become effective August 1, 1969."

Section 2. This Act shall become effective immediately upon its passage and approval of the Governor or upon its otherwise becoming a law.

Approved June 30, 1969.

Time: 11:00 A.M.

Act No. 69

H. 692—Burgreen

AN ACT

Relating to the public school funds of Limestone County; authorizing the board of education to budget and expend funds for the office of the county superintendent of education, and to regulate the salary, expenses and allowances of the superintendent; providing for the payment of monthly expense allowances to members of the board of education from such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education in Limestone County shall receive from the public school funds of the county the sum of \$20.00 per day for attendance at each board meeting of the board and the sum of \$25.00 per calendar month as an allowance for expenses incurred in attending meetings and transacting business of the Board. It is the intention of this act that each member of the board shall receive the lump sum of \$25.00 each month for expenses without its being necessary to itemize such expenses and to further provide that no board member shall receive such expenses unless he attends at least one duly called board meeting each month or an official committee meeting when as many as three members of the board are present. The necessary expenses of the board members outside the confines of the county or state shall not be included in the above expense allowance but shall be in addition to such allowances; and further, that out-of-county or out-of-state expenses shall be incurred only upon the approval of the board of education. Expenses shall be paid on the same basis as expenses are paid the superintendent of education. Members of the board shall not be allowed per diem for more than thirty-six (36) days in any one year.

Section 2. The Limestone County Board of Education shall have the authority to budget and expend public school funds for the general operation of the office of the superintendent of education when the amount budgeted by the County Commissioners is not adequate to cover necessary costs.

Section 3. The Limestone County Board of Education shall have the authority to set the annual salary of the Superintendent of Education at a minimum of \$12,000.00 per annum and not to exceed \$15,000.00 per annum and shall also have authority to set travel and all other expenses of the Superintendent not otherwise allowed by law. When the Board of Education deems it necessary or advisable, they shall have authority to raise the Superintendent's salary and allowance for travel and other expenses during any term of office.

Section 4. The Limestone County Board of Education shall have the authority to set the annual salary and allowances for travel and other expenses of the administrative assistants of said board of education. The travel will be paid in a monthly lump sum without its being necessary to itemize such expenses to be used in attending professional and business meetings as required and deemed necessary by the Limestone County Board of Education.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1969.

Time: 1:30 P.M.

Act No. 70

H. 52—Collier

AN ACT

To apply only in Elmore County; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Elmore County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which fee shall be collected by the sheriff and deposited in the county treasury. Four-fifths

of each fee collected shall be credited to a special fund or account in the county treasury and may be drawn on and used in the sole discretion of the sheriff for the purchase of equipment, materials and supplies, and for payment of compensation of additional personnel when and as needed in the sheriff's department, and the remainder of each fee so collected shall be paid into the general fund of the county and may be used for general fund purposes.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:00 P.M.

Act No. 71

H. 55—Collier

AN ACT

Relating to Elmore County; providing expense allowances for members of the board of equalization of Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of equalization of Elmore County shall each be entitled to ten dollars per day as expenses for each day's attendance on the sessions of the board. Such expenses shall be paid out of the general fund of the county on certificates signed by the chairman of the board.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:01 P.M.

Act No. 72

H.56—Collier

AN ACT

Relating to Elmore County; providing expense allowances for members of the county board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of Elmore County shall each be entitled to not less than five nor more than ten dollars a day, as determined by the county governing body, as expenses for each day's attendance on the sessions of the board. Such expenses shall be paid out of the general fund of the county on certificates signed by the chairman of the board, and shall be in addition to the pay of such officers paid by the State.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:02 P.M.

Act No. 73

H.J.R. 38—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, That when the two Houses adjourn today the House adjourns to meet again on Thursday, June 12, 1969, and when the House adjourns on Thursday, June 12, 1969, they adjourn to meet again on Tuesday June 17, 1969, and when the Senate adjourns today they adjourn to meet again on Friday June 13, 1969, and when the Senate adjourns on Friday June 13, 1969, they adjourn to meet again on Tuesday June 17, 1969.

Approved July 1, 1969.

Time: 3:03 P.M.

Act No. 74

H.J.R. 39—Turnham, Higginbotham, Brassell

HOUSE JOINT RESOLUTION

WHEREAS Mr. H. Earle Williams' retirement on June 10, 1969 ends more than ten years of outstanding service as head of the Management Service, Cooperative Extension Service, Auburn University;

WHEREAS Mr. Williams, a native of Wilcox County who has also lived in Marengo and Lee Counties, and wherever he has lived has always given freely of his time and talents for the betterment of his home community, the State and the Nation;

WHEREAS Mr. Williams has been not just a member but an active leader and motivating force in far too many civic, social, religious, political and charitable organizations to enumerate here;

WHEREAS Mr. Williams has always been particularly interested in the development of the youth of this State and has contributed much of his time to guiding and working with the boys and girls of this State. Among his activities in this field are working with the Boy Scouts of America on all levels of that organization from local troupes to the National Council. He received the Silver Beaver Award from the Georgia-Alabama Council of Boy Scouts in 1958. He has also served on the Board of Directors of the Tallesnooko Girl Scouts Council, as Faculty Advisor to Alpha Mu Chapter of Sigma Alpha Epsilon fraternity and as a member of the Faculty Advisors Council at Auburn University; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama salutes Mr. H. Earle Williams on his retirement and hereby extends to him grateful appreciation for his many fine contributions to the progress and welfare of the State of Alabama.

BE IT FURTHER RESOLVED That the Clerk of the House of Representatives transmit a copy of this resolution to Mr. H. Earle Williams, 523 South College Street, Auburn, Alabama.

Approved July 1, 1969.

Time: 3:04 P.M.

Act No. 75

H.J.R. 41—Harris, Cameron, Hobbie,
McElhaney, Springer

HOUSE JOINT RESOLUTION

WHEREAS, The retirement of Miss Agnes Brindley on July 1, 1969, as Administrative Assistant to the State Superintendent of Education marks the culmination of almost 40 years of faithful service as a state employee, and

WHEREAS, Miss Brindley has rendered faithful service through the terms of eleven superintendents, performing her duties expertly and dealing with the public in a most agreeable, courteous, calm, and friendly manner, and

WHEREAS, Miss Brindley has been a guiding hand and a stabilizing influence through years of phenomenal growth within the State Department of Education, and

WHEREAS, All students in the public schools and colleges in Alabama during these years have been beneficiaries of Miss Brindley's faithful services, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREFORE CONCURRING, That this Body wishes to express its deepest appreciation for Miss Brindley's faithful service to the State of Alabama and for her outstanding contributions to the education of its citizens, and further wishes for her many happy years of retirement which she has so well earned.

Approved July 1, 1969.

Time: 3:05 P.M.

Act No. 76

H.J.R. 43—Neville

HOUSE JOINT RESOLUTION

WHEREAS Mrs. Ann Davis of Eufaula, Alabama rescued three small Negro boys from drowning, when she jumped into eight feet of water on May 20, 1969 to pull them to safety; and

WHEREAS Mrs. Davis who was formerly a life guard and is currently employed as a waitress, is the mother of four small children and is expecting another. She completely disregarded her own personal safety in order to save these small boys who but for her quick thinking and fast action most likely would have drowned before others came to aid her; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Davis for her heroic actions, for her aquatic skill and for her selfless devotion to the cause of humanity without concern for herself. We assure her of our highest admiration and extend to her all best wishes for her continued good health and happiness and for that of her family.

RESOLVED FURTHER, That copies of this resolution be sent to Mrs. Davis, to the Associated Press and to the United Press International.

Approved July 1, 1969.

Time: 3:07 P.M.

Act No. 77

H.J.R. 44—Merrill, Mathews

HOUSE JOINT RESOLUTION

WHEREAS Governor Albert P. Brewer has long been known for his love of the law, and he has dedicated his life to a thorough and ever increasing knowledge of every phase of law; and

WHEREAS Governor Brewer is noted for his strong belief in law observance and in a strict adherence to all laws, noxious though some of them may be. His strong but unimpassioned speeches advocating such adherence by all persons have been particularly effective; and

WHEREAS Governor Brewer consistently gives law enforcement officers his unqualified support in executing the laws of this State and of the United States to the end that law and order and justice for all shall prevail; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That the school of law enforcement at Jacksonville State University shall be named and known as the Albert P. Brewer School of Law Enforcement, as a fitting tribute to the many contributions of Governor Brewer in this field.

Approved July 1, 1969.

Time: 3:08 P.M.

Act No. 78

H.J.R. 45—Merrill, Mathews

HOUSE JOINT RESOLUTION

WHEREAS Coach Don Salls has been coach of Jacksonville State University's football team for the past twenty years, during which period of time he has won seven conference championships, three bowl games, has never lost a homecoming game and has had one undefeated season; and

WHEREAS Coach Salls has restored football on the campus from a level of mediocrity to a level that has gained the respect of the public and of the coaches of opposing teams; and

WHEREAS Coach Salls is a gentleman of dignity, scholarship and high moral principles and is the only coach in Alabama who holds the doctors degree which he earned in the field of physical education at New York State University; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the athletic dormitory at Jacksonville State University be known as the Don Salls Dormitory as a fitting tribute to the outstanding services of Coach Salls.

Approved July 1, 1969.

Time: 3:09 P.M.

Act No. 79

H.J.R. 46—Merrill, Mathews

HOUSE JOINT RESOLUTION

WHEREAS Dr. James Marvin Anders joined the faculty of the Jacksonville State Teachers College as assistant professor of history in 1937 and was later appointed as associate professor in the same department; and

WHEREAS in 1954 his rank was raised to that of professor and he was designated as the chairman of the Social Science Division; and

WHEREAS he served as the faculty advisor to the Student Government Association for a period of fifteen years; and

WHEREAS he has served long, faithfully, and loyally the Jacksonville State Teachers College, the Jacksonville State College, and now the Jacksonville State University and has earned the highest respect of the students, the faculty, and the administration; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the so-called "Round House" on the campus of Jacksonville State University be named and known as the Marvin Anders Auditorium in grateful appreciation of the outstanding services of Dr. Anders.

Approved July 1, 1969.

Time: 3:10 P.M.

Act No. 80

H.J.R. 47—Merrill, Mathews

HOUSE JOINT RESOLUTION

WHEREAS Ivo Hall Sparkman, a native of Albertville, Alabama has traveled throughout the World with her illustrious

husband, Senator John J. Sparkman, and by her gracious manner and charming personality has won friends for this Nation and for Alabama wherever she has traveled;

WHEREAS Mrs. Sparkman is the author of a book telling in a most interesting manner of her travels in fifteen Asian countries; and

WHEREAS Mrs. Sparkman has always reflected credit on her native state in all her many fields of activity as the busy, but self-effacing, wife of an outstanding member of the United States Congress; now therefore

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That as an appropriate tribute to Mrs. Sparkman the new girls dormitory at Jacksonville State University is hereby named, designated and shall be known as "The Ivo Hall Sparkman Dormitory."

Approved July 1, 1969.

Time: 3:11 P.M.

Act No. 81

H.J.R. 49—Bank, Robertson, Culver,
McCorquodale, Turnham,
Nettles, McLain

HOUSE JOINT RESOLUTION

WHEREAS Dr. Forest David Mathews, native of Grove Hill, Alabama, has been named by the board of trustees of the University of Alabama to the presidency of the University at Tuscaloosa; and

WHEREAS Dr. Mathews, being a vigorous young man of high intellect, formidable education and exceptional training and experience, is eminently qualified for the responsible position to which he has been elevated. He received his bachelor's degree from the University in history and classical Greek in 1958 and his master's degree in education in 1959; and while earning his doctoral degree in the history of American education at Columbia University, he taught history and the philosophy of education prior to receiving his Ph.D. from that institution in 1965. After discharging his obligation in the armed services of the United States in which he was an officer in the Infantry Division, he returned to the University of Alabama. Here, he was a lecturer in the history department and was interim dean of men. He became an executive assistant to Dr. Rose in 1966, in which capacity he served until he was named executive vice president for the Tuscaloosa campus last year; and

WHEREAS Dr. Mathews rendered invaluable assistance to the Alabama Educational Study Commission for which he served as chairman of an important subcommittee, and holds responsible posts in numerous educational organizations; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are delighted with the appointment of Dr. Mathews to the presidency of the University of Alabama at Tuscaloosa. We commend the board of trustees upon their selection, and we heartily congratulate Dr. Mathews upon his being named president of this fine institution. We assure him of our confidence in his ability to fulfill his responsibilities, and look forward to the continued progress of the university under his administration.

RESOLVED FURTHER, That copies of this resolution be sent to Dr. Mathews and to the board of trustees of the University of Alabama.

Approved July 1, 1969.

Time: 3:12 P.M.

Act No. 82

H.J.R. 50—Bank, Culver, Robertson, Nettles,
McCorquodale, Turnham

HOUSE JOINT RESOLUTION

WHEREAS Dr. Joseph F. Volker has been named by the board of trustees of the University of Alabama to the presidency of the University Complex at Birmingham; and

WHEREAS the State of Alabama is indeed fortunate in having had the benefit of Dr. Volker's exceptional professional talents and outstanding organizational ability which has guided the phenomenal growth of the University at Birmingham (UAB) since he came from his native state of New Jersey in 1948 to organize and to be the first dean of the university's School of Dentistry; and

WHEREAS Dr. Volker attended Rutgers University and received his D.D.S. degree from Indiana University in 1936, an A.B. degree from the University of Rochester in 1938, his master's degree in biochemistry there the following year and his Ph.D. degree in biochemistry from the same institution in 1941. He taught biochemistry and pharmacology at Rochester's School of Medicine and Dentistry where he was a Carnegie Fellow, and was professor of clinical dentistry at Tufts College Dental School where he was dean immediately prior to coming to Alabama; and

WHEREAS Dr. Volker became director of the fast growing University of Alabama Medical Center in 1966 at which time he was also put in charge of the newly established College of General Studies in Birmingham, and was made executive vice-president of the University of Alabama Complex at Birmingham (UAB) last year; and

WHEREAS Dr. Volker has not only won state and national recognition for his outstanding ability, but he has also received international honors in appreciation for his consultant and advisory health work. The King and Queen of Thailand have conferred upon him an honorary doctor of science degree from the University of Medical Science in Thailand and the King of Sweden conferred the Doctor honoris causa degree from Lund University in Sweden; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the board of trustees of the University of Alabama for their selection of a president for the University of Alabama at Birmingham. We assure Dr. Volker of our appreciation for his past services to this state and for the favorable recognition which he has brought to Alabama. We congratulate him upon his nomination to the presidency of the Birmingham Campus and look forward to its continued growth under his able and dynamic leadership.

RESOLVED FURTHER that copies of this resolution be sent to Dr. Volker and to the board of trustees of the University of Alabama.

Approved July 1, 1969.

Time: 3:13 P.M.

Act No. 83 H.J.R. 52—Bowers, Manley, Pruitt, Gafford,
Adwell, Meeks, Holman

HOUSE JOINT RESOLUTION

WHEREAS those Americans who have served their country through active duty in the Armed Forces of the United States are among our most esteemed citizens and but for their steadfastness America would have fallen a victim of the oppressor's heel; and

WHEREAS though these men deserve special care and consideration by virtue of their service, in order to be admitted to a Veterans' Administration Hospital a veteran must attest to the so-called "Pauper's Oath"; and

WHEREAS an annual income statement must be submitted for purposes of qualification for a veteran's pension, regardless of the age a veteran attains, and Social Security and other Retirement Benefits must now be considered as income for the purpose of qualification for a veteran's pension, regardless of the age of the veteran; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Congress of the United States be, and hereby is, memorialized to amend the laws of the land concerning veterans and veterans' affairs so as to eliminate the so-called "Pauper's Oath" as a prerequisite to entrance by a veteran into a Veterans' Administration Hospital. The Congress of the United States is further requested to eliminate the annual income statement when the veteran reaches the age of seventy-two (72) years and to exempt Social Security and other Retirement Benefits from consideration as income after the veteran reaches the age of seventy-two (72) years.

RESOLVED FURTHER that duly authenticated copies of this resolution be sent to each member of the Alabama Congressional Delegation and to the Chief Clerks of the Senate and House of Representatives of the United States.

Approved July 1, 1969.

Time: 3:14 P.M.

Act No. 84

H.J.R. 53—Robertson, Culver, Brown, Bank

HOUSE JOINT RESOLUTION

WHEREAS the Retired Men's Club of Tuscaloosa has shown itself to be a vibrant, vigorous element in the community life of that area, and has through its continuing efforts contributed a great deal to the betterment of the people and institutions of Tuscaloosa and its environs; and

WHEREAS the Retired Men's Club has demonstrated to the people of Alabama that a man's usefulness to his community and his neighbors can never be measured by age; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pleasure in commending the Retired Men's Club of Tuscaloosa, and urge them never to retire from work and interests beneficial to their community, county, state and to their fellow man.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to each member of the club.

Approved July 1, 1969.

Time: 3:15 P.M.

Act No. 85

H.J.R. 54—Roberston, Culver, Brown, Bank

HOUSE JOINT RESOLUTION

WHEREAS the 1969 Girls State staff members and counselors have once again demonstrated to the people of Alabama and to the members of the legislature their collective and individual competence in organizing, conducting and managing an activity which contributes greatly to the development of the youth of this state; and

WHEREAS the Girls State staff and counselors have, through individual efforts, instilled in their young charges the devotion and dedication to civic, community and state affairs that they themselves possess in abundance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend each and every person associated with this fine group for a job very well done, and for demonstrating to the adults of the state the fine and outstanding qualities of its young people.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to each staff member and counselor who took part in the recent activities.

Approved July 1, 1969.

Time: 3:16 P.M.

Act No. 86

H.J.R. 55—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today they adjourn to meet again on Tuesday, June 24, 1969, and when they adjourn on Tuesday, June 24, 1969, they adjourn to meet again on Wednesday, June 25, 1969, and when they adjourn on Wednesday, June 25, 1969, they adjourn to meet again on Tuesday, July 8, 1969.

Approved July 1, 1969.

Time: 3:17 P.M.

Act No. 87

H.J.R. 56—Collins (C), Collins (M), Wood,
Downing, Lyons, Nettles,
Perloff

HOUSE JOINT RESOLUTION

WHEREAS, Curtis Adrian Gentry, Jr., a native of Mobile, Alabama departed this life on the 29th day of December, 1968, and

WHEREAS, Mr. Gentry was for many years active in the political, civic and religious life of Chickasaw, Alabama, and more recently of Destin, Florida, and

WHEREAS, Mr. Gentry will be sorely missed by his family and friends,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That this body mourns the death of Curtis Adrian Gentry, Jr. and extends its condolence to his widow, Mildred Delchamps Gentry and his children, Patricia G. Edington, Virginia G. Rust and Curtis Adrian Gentry, III.

BE IT FURTHER RESOLVED, That a copy of this Resolution be spread upon the pages of the Journal of the House of Representatives and a copy sent to the family of Mr. Gentry.

Approved July 1, 1969.

Time: 3:18 P.M.

Act No. 88

H J.R. 57—Brown

HOUSE JOINT RESOLUTION

WHEREAS William P. Bloom, internationally known Tuscaloosa businessman and civic leader, passed away on June 15, 1969 in Caracas, Venezuela; and

WHEREAS Mr. Bloom's activities have transcended local and state affairs and have affected international relations, in that he has influenced legislation and policy relative to Israel, and has been cited by the Israel government for his activities on behalf of that country; and

WHEREAS Mr. Bloom was, for many years, active in the Red Cross, Rotary, Zamora Temple, Federated Jewish Charities, and B'nai Brith, and has served ably as a Council Commissioner of the Boy Scouts, President of the Tuscaloosa Merchants Bureau, a director of the Chamber of Commerce, President of Temple Emanuel, and has held many other important posts in civic, business, religious, and charitable organizations; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of William P. Bloom, to whom his city, his state, and his nation are deeply indebted, and express our sympathy to his family and friends.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the family of William P. Bloom.

Approved July 1, 1969.

Time: 3:20 P.M.

Act No. 89

H. 40—Foshee, Jackson (F)

AN ACT

To regulate the compensation and allowances of members of the board of education of Covington County and provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education of Covington County shall receive from the public school funds of the county \$25.00 a day and his traveling expenses at 10¢ per mile round trip and hotel expenses incurred in attending meetings of the board and transacting the business of the board. The members of the county board shall not be allowed pay for more than 24 days in any one year, and their per diem pay and expenses shall be paid from the public school funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:21 P.M.

Act No. 90

H. 41—Drake, McDonald, Starnes

AN ACT

To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Good Hope, Cullman County, Alabama, be and the same are hereby altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the Town of Good Hope, Alabama, and in addition thereto the following described territory, to-wit:

TRACT I

The Southwest Quarter of the Southeast Quarter, Section 29, Township 10 South, Range 3 West.

ALSO: The North One-Half of the Northeast Quarter, Section 32, Township 10 South, Range 3 West.

TRACT II

The Southwest Quarter of the Southeast Quarter of Section 32, Township 10 South, Range 3 West.

TRACT III

The Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 33, Township 10 South, Range 3 West.

TRACT IV

The Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 5, Township 11 South, Range 3 West.

TRACT V

The East Half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 8, Township 11 South, Range 3 West.

TRACT VI

The Southwest Quarter of the Southwest Quarter of Section 8, Township 11 South, Range 3 West.

ALSO: The South One-Half of the Southeast Quarter of the Southeast Quarter of Section 7, Township 11 South, Range 3 West.

TRACT VII

The Northeast Quarter and the East One-Half of the Southeast Quarter of the Northwest Quarter in Section 17, Township 11 South, Range 3 West.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:22 P.M.

Act No. 91

H. 75—Foshee, Jackson (F)

AN ACT

To provide for the compensation of jurors in Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. Regular jurors, grand and petit, serving in Geneva County are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, payable out of the county treasury.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:23 P.M.

Act No. 92

H. 76—Foshee, Jackson (F)

AN ACT

Relating to Geneva County; regulating and providing for the payment of compensation of election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Geneva County shall each be entitled to ten dollars. The returning officer shall also be entitled to mileage as prescribed in Code of Alabama 1940, Title 17, Section 198 as amended. The several claims shall be paid as preferred claims, out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered. However, amounts paid to election officers under this act for compensation, per diem or mileage in excess of the amounts prescribed by general laws shall not in any case be reimbursable by the State.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:25 P.M.

Act No. 93

H. 77—Foshee, Jackson (F)

AN ACT

To amend Act No. 207, H. 575, approved August 13, 1957, which authorizes and requires the court of county commissioners, board of revenue or other like governing body of Geneva County to provide clerk-hire allowances for the clerk of the circuit court, the tax assessor, the tax collector, and sheriff of Geneva County, so as to increase the amount of such allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 207, H. 575, approved August 13, 1957 (Acts 1957, v. 1, p. 266) is hereby amended so as to read as follows:

"The court of county commissioners, board of revenue, or other like governing body of Geneva County is hereby authorized to provide for the clerk of the circuit court, the tax assessor, the tax collector, and sheriff of Geneva County a clerk-hire allowance of Three Thousand, Three Hundred (\$3,300.00) Dollars for each year. The allowance shall be paid, when authorized, from the county treasury in equal monthly installments, on vouchers signed by the officer entitled to the allowance."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:30 P.M.

Act No. 94

H. 158—Holladay

AN ACT

To allow the Sheriff of St. Clair County, Alabama, two (2) additional Deputies Sheriff to that now provided by law; to fix the salary of said Deputies and to make the same payable out of the general fund of St. Clair County, in monthly installments.

Be It Enacted by the Legislature of Alabama:

Section 1. That the sheriff of St. Clair County is hereby allowed two (2) additional deputies sheriff to the deputies now provided by law, which said deputies shall receive a salary of not less than \$4,200.00 per annum and not more than \$5,400.00 per annum which salary is to be fixed by the Commissioners Court or other governing body of said County to be paid in twelve equal monthly installments out of the general funds of said County; that said deputies shall be eligible to perform the duties of deputies sheriff anywhere in said county, and said deputies shall be appointed by the sheriff of said County to hold office at the pleasure of the Sheriff.

Section 2. That on the first of each month a statement of the name and amount due said deputies sheriff shall be furnished to the Court of County Commissioners or other governing body by the Sheriff and it shall thereupon be the duty of the Court of County Commissioners or other governing bodies to order a warrant drawn on the general funds of the county payable to said deputies for the amount of one month salary as hereinabove provided.

Section 3. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effect from the date of its passage and approval by the Governor.

Approved July 1, 1969.

Time: 3:31 P.M.

Act No. 95

H. 159—Holladay

AN ACT

To amend Act No. 124, H. 154, First Special Session 1964, an act relating to St. Clair County and fixing the compensation of the chief deputy and other deputies of the sheriff of said county.

Be It Enacted by the Legislature of Alabama:

Act No. 124, H. 154, First Special Session 1964, an act relating to St. Clair County and fixing the compensation of the chief deputy and other deputies of the sheriff of said county (Acts 1964, First and Second Special Sessions, page 180) is hereby amended to read as follows:

Section 1. The chief deputy sheriff of St. Clair County shall receive a salary of Six Thousand (\$6,000.00) Dollars per annum. The other deputies now serving in the office of the sheriff of St. Clair County shall each receive a salary of Five Thousand Four Hundred (\$5,400.00) Dollars per annum. Any deputy which may hereafter be employed shall receive a salary of not less than Four Thousand Two Hundred (\$4,200.00) Dollars per annum and not more than Five Thousand Four Hundred (\$5,400.00) Dollars per annum to be fixed by Commissioner's Court or other governing body of said county. The salaries of the chief deputy and the other deputies shall be paid in equal monthly installments out of the general fund of the county.

Section 2. Said salaries shall be retroactive to February 1, 1969, and shall apply to the chief deputy and other deputies serving at said time.

Section 3. All laws or parts of law which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:32 P.M.

Act No. 96

H. 160—Holladay

AN ACT

Relating to St. Clair County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In St. Clair County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14,

Section 177, shall be \$5.00, which shall be collected by the sheriff and deposited in the county treasury. Until January 1, 1971, four-fifths of each fee collected shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for law enforcement purposes; and the remainder shall be paid into the general fund in the county treasury; after December 31, 1970, one-half of each fee collected shall be paid into the sheriff's fund and the other half shall be paid into the county general fund.

Section 2. The monies deposited into the sheriff's special fund shall be paid over by the county treasurer to the sheriff of St Clair County, Alabama from time to time upon written requisition by the sheriff to the county treasurer. The sheriff shall keep and maintain records of all expenditures made from said fund; and said fund and sheriff's expenditures shall be subject to audit upon resolution from Court of County Commissioners of St. Clair County, or as otherwise provided by law.

Section 3. The establishment of the sheriff's fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:33 P.M.

Act No. 97

H. 161—Holladay

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the Town of Riverside, St. Clair County, Alabama so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the town of Riverside, St. Clair County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory, to-wit:

Commence at the point where the North line of Section 19, Township 16, Range 5 East intersects the West bank of Coosa River (now Logan Martin Lake); thence West following the North line of said Section 19 and the North line of Sections 24, 23, & 22 in Township 16, Range 4 East to the Northwest corner of said Section 22; thence South to the Southwest corner of Section 22; thence West along the North line of Section 28 to the Northwest corner thereof; thence South along West section line of said Section 28 to a point where same intersects Fishing Creek (also known as Seddon Creek); thence in a Southerly direction following the meanderings of said creek to a point where same flows into Logan Martin Lake; thence following the North shore line of Logan Martin Lake at the low water mark in an Easterly direction to a point where same turns back North; thence continue along said shore line of Logan Martin Lake back to point of beginning.

Said description includes all of Sections 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 & 36, Township 16, Range 4 East lying West of Logan Martin Lake, and that part of Section 19, Township 16, Range 5 East lying West of Logan Martin Lake, and that part of Sections 29 and 32, Township 16, Range 4 East lying East of Fishing Creek (Seddon Creek), and that part of Sections 5 and 4, Township 17, Range 4 East lying East of Fishing Creek and North and West of Logan Martin Lake.

LESS AND EXCEPT that part of Section 33 lying West of Fishing Creek.

Said property includes that territory now constituting Riverside, Alabama. Also less and except lots 27 through 35 inclusive of Seddon Shores Subdivision according to the map or plat of said Subdivision on record in office of Judge of Probate Pell City, Ala.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:34 P.M.

Act No. 98

H. 197—Dill

AN ACT

To amend act proposed at the Special Session of the Alabama Legislature, 1969, by House Bill 90 in order to include children suffering from dyslexia among the children entitled to assistance under such law.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of the Act proposed at the Special Session of 1969 by House Bill (now in manuscript form) is hereby amended to read as follows:

"Section 1. County, city and independent boards of education shall provide financial assistance for handicapped children, including children suffering from dyslexia, between the ages of six and sixteen who are enrolled in day centers and special schools and public schools. The boards of education shall, by their rules and regulations, determine the qualifications of persons who may be aided under this act, and the decision of such boards with reference to such qualifications shall be final and conclusive. The boards shall provide such assistance within the limits of funds available and at a cost per pupil not exceeding the per pupil cost of instruction of children enrolled in the public schools. In providing assistance under this act, the board shall take into consideration differences in travel, tuition and other expenses."

Section 2. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of the act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application.

Section 3. This act shall take effect October 1, 1969.

Approved July 1, 1969.

Time: 3:35 P.M.

Act No. 99

H. 202—Brown, Robertson, Bank, Culver
AN ACT

Relating to all counties having a population of not less than 100,000 nor more than 115,000 according to the most recent federal decennial census; fixing the compensation of election officers in said counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to counties having populations of not less than 100,000 nor more than 115,000 according to the most recent federal decennial census.

Section 2. Election officers who are appointed and serve under provisions of Code of Alabama 1940, as amended, Title 17, Chapter 1, returning officers, inspectors and clerks shall each receive \$13.00 per day for service in any and all elections held in such counties.

Section 3. Upon proper proof of service rendered, claims of returning officers, inspectors and clerks of elections held in such counties shall be paid out of the county treasury. They shall be preferred claims, payable from any money in the county treasury not otherwise appropriated.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed. Act No. 70, Regular Session 1947, (Local Acts 1947, p. 51) and Act No. 141, Regular Session, 1962 (Acts 1962, p. 182) are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:36 P.M.

Act No. 100

H. 208—Owens (W)

AN ACT

To provide for the selection of textbooks and instructional materials for use in the public schools of Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bibb County the county board of education, upon the recommendation of the county superintendent of education, may select and adopt for use in the tax-supported elementary and high schools in the county textbooks and instructional materials other than the textbooks and materials on the state-adopted list. Whenever textbooks and instructional materials are substituted for the state-approved or state-adopted books and materials, such books or materials shall be used by the teachers in the public schools in teaching any course or courses for which a substitution has been made. Provided, however, the county board of education shall not substitute books or texts or materials for the state-approved or state-adopted textbooks and materials, if such substitution would cause the county board of education to be unable to furnish free textbooks to all students in the system through the twelfth grade.

Section 2. The provisions of Act No. 412, S. 261, Regular Session 1945 (General Acts 1945, p. 647), and of Act No. 22, H. 40, Special Session 1965 (Acts 1965, p. 288), which are inconsistent with this Act are superseded by this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:37 P.M.

Act No. 101

H. 219—Mathews

AN ACT

Relating to all counties having populations of not less than 11,000 nor more than 13,000, according to the most recent federal decennial census; to confer additional powers on the Circuit Clerk of Clay County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Circuit Clerk of Clay County shall have the power to take oaths in support of complaints and to issue warrants in all criminal cases, provided, that such warrants shall be made returnable to a Court having original jurisdiction of the offense charged.

Section 2. The Clerk shall receive a fee of one dollar (\$1.00) for each writ of arrest issued by him, to be taxed and collected as other costs are taxed and collected.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:38 P.M.

Act No. 102

H. 222—Mathews

AN ACT

To authorize the court of county commissioners or like governing body of Coosa County to levy a privilege or license tax on persons, firms and corporations, selling, distributing or delivering any malt or brewed beverages to retailers in Coosa County; to authorize said governing body of Coosa County to collect the tax, and to make rules and regulations to govern enforcement and collection of the tax; to provide for the rate of the tax and the use of the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners or like governing body of Coosa County may levy a privilege or license tax on all persons, firms and corporations, selling, distributing or delivering to retailers in Coosa County any malt or brewed beverages (including beer, lager, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of

alcohol by volume) which tax shall be in an amount equal to two cents (2¢) on each twelve (12) fluid ounces or fractional part thereof, sold or distributed outside of the town or city limits and outside of the police jurisdiction of any incorporated municipality within the county; and one and one-half cents (1½¢) on each twelve (12) fluid ounces or fractional part thereof sold or distributed within the police jurisdiction but outside of town or city limits of any incorporated municipality within the county; and one cent (1¢) on each twelve (12) fluid ounces or fractional part thereof sold or distributed within the town or city limits of any incorporated municipality within the county.

Section 2. The privilege or license tax authorized by this act shall be collected by or under the supervision of the court of county commissioners or like governing body of Coosa County. The governing body may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license tax authorized by this act, and may also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expenses of compliance with such rules and regulations. The governing body may employ such personnel as may be needed to collect and enforce the tax and shall fix the compensation and tenure of such personnel.

Section 3. The proceeds of the tax herein levied, when collected in the respective areas of the county shall be used for the public schools of the county, and for general purposes of the county in the following proportionate amounts: All of the tax collected within the town or city limits of any incorporated municipality shall be deposited in the public school fund of the county; of the tax collected outside the town or city limits of any incorporated municipality but within the police jurisdiction thereof, two-thirds ($\frac{2}{3}$) shall be deposited in the public school fund of the county; of the tax collected in the county in areas outside of the town or city limits and outside of the police jurisdiction of any incorporated municipality, one-half ($\frac{1}{2}$) of the proceeds shall be deposited in the public school fund of the county. All such monies deposited in the public school fund shall be used solely for public school purposes of Coosa County. All of the remainder of the tax shall be deposited in the general funds of the county for general purposes of the county.

Section 4. Any person, firm, or corporation who violates any provision of this act or the rules and regulations provided by the governing body of Coosa County shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 5. Any person, firm or corporation who fails to pay the tax herein levied within the time prescribed by this act shall pay, in addition to the tax, a penalty of ten percent (10%) of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied became payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective on the first day of the first month immediately after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:39 P.M.

Act No. 103

H. 223—Mathews

AN ACT

To confer additional powers on the Circuit Clerk of Coosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Circuit Clerk of Coosa County shall have the power to take oaths in support of complaints and to issue warrants in all criminal cases, provided, that such warrants shall be made returnable to a Court having original jurisdiction of the offense charged.

Section 2. The Clerk shall receive a fee of one dollar (\$1.00) for each writ of arrest issued by him, to be taxed and collected as other costs are taxed and collected.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:40 P.M.

Act No. 104

H. 224—Mathews

AN ACT

To further regulate the sale of spirituous or vinous liquors and malt or brewed beverages in Coosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any spirituous or vinous liquors to be sold in Coosa County other than in a State liquor store.

Section 2. It shall be unlawful for any malt or brewed beverages to be sold for consumption on the premises where sold in Coosa County.

Section 3. Any person who violates any provision of this Act shall be guilty of a misdemeanor and upon conviction, shall be punished as prescribed by law.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:45 P.M.

Act No. 105

H. 233—Cook (Coffee)

AN ACT

Relating to counties having populations of not less than 30,550 and not more than 31,000; providing for the appointment and terms of office of the directors of hospital associations organized in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 30,550 nor more than 31,000 inhabitants according to the most recent federal decennial census.

Section 2. The terms of office of the directors of any hospital association organized under the provisions of Act No. 211, S. 107, Regular Session 1945 (Acts 1945, p. 330) in any county coming under the provision of this act shall expire on September 30, 1969. Their successors shall be appointed by the local governing body or governing bodies authorized under the provisions of said Act No. 211 to appoint such directors and they shall be so appointed that they shall serve for staggered terms: One director shall be appointed for a term of one year; one director shall be appointed for a term of two years; one director shall be appointed for a term of three years; one director shall be appointed for a term of four years; and one director shall be appointed for a term of five years. Successors to such directors shall be appointed for terms of five years.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:46 P.M.

Act No. 106

H. 241—Drake

AN ACT

Relating to the compensation of election officials in Cullman County; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cullman County, the returning officer, the inspectors and the clerks for elections shall be entitled to ten dollars (\$10.00), and their several claims shall be paid as preferred claims out of monies in the county treasury not otherwise appropriated on proper proof of service rendered. The returning officer shall also be entitled to mileage as otherwise prescribed by law.

Section 2. All laws or parts of laws in conflict with this act, whether local, general or special, are hereby repealed as to Cullman County.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:47 P.M.

Act No. 107

H. 242—Drake

AN ACT

To provide for the compensation of jurors in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. Regular jurors, grand and petit, serving in Cullman County are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, payable out of the county treasury.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:48 P.M.

Act No. 108

H. 245—Drake

AN ACT

To amend Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act levying sales and use taxes in Cullman County and providing for the ascertainment, collection, payment, distribution and use of the proceeds, so as to provide further for the use of the proceeds of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act relating to the Cullman County sales and use tax law, is amended to read as follows:

“Section 7. The state department of revenue shall charge Cullman County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount, of the proceeds thereof due Cullman County for that month. The commissioner of revenue shall pay into the state treasury all

county taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Cullman County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Cullman County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Cullman County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of public school funds for Cullman County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county, and shall maintain separate records of such special account. The county board of education shall require an additional bond of the custodian of public school funds, in an amount to be prescribed by the board of education and payable to the board and conditioned as prescribed by law. Such additional bond shall be filed and recorded in the office of the judge of probate of the county. The premiums on such bond shall be paid from any school funds derived hereunder. The net proceeds derived from the taxes levied by this Act shall be distributed as follows: The custodian of public school funds shall pay annually to the governing body of Cullman County and to the City of Cullman each the sum of \$12,500 which shall be payable at the rate of \$1,000 per month for eleven months and \$1,500 for the twelfth month. Funds payable to the county governing body shall be paid into the county general fund and funds payable to the City of Cullman shall be paid to the city treasurer. Such funds shall be kept separate and apart from other funds and shall be used exclusively for the purpose of promoting industrial development or for recreational purposes. Exclusive of the \$25,000 heretofore allocated to the county governing body of Cullman County and the City of Cullman to be used for the purpose of promoting industrial development or for recreational purposes, the remaining proceeds shall be divided equally between the board of education of Cullman County and the City of Cullman payable on a monthly basis. The board of education's share of the proceeds shall be used exclusively for educational purposes, including transportation,

capital outlay, maintenance and upkeep of buildings and current expenses other than teachers' salaries. The city's share of the proceeds other than that specifically allocated by this Act for the promotion of industrial development and for recreational purposes shall be used for general municipal purposes."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:50 P.M.

Act No. 109

H. 249—Blanton, Hain

AN ACT

Relating to Dallas County; to authorize the county governing body of such county to contribute county funds towards the construction of a Y.M.C.A. building.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Dallas County may in its discretion appropriate county funds and make contributions of public funds, not to exceed \$45,000 to aid the Y.M.C.A. of Selma in the construction of a Y.M.C.A. building.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:51 P.M.

Act No. 110

H. 250—Blanton, Hain

AN ACT

To amend Section 1 of an act approved February 20, 1931, enlarging the powers of the court of county revenues of Dallas County (Act No. 51, S. 12, Local Acts of Alabama 1931, p. 15) so as to change the meeting date of regular sessions of the court from the first Monday of each month to the second Monday.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of an act approved February 20, 1931, enlarging the powers of the court of county revenues of Dallas County (Act No. 51, S. 12, Local Acts of Alabama 1931, p. 15) is hereby amended to read as follows:

"Section 1. The Court of County Revenues of Dallas County, Alabama, shall sit in regular session on the second Monday of each month; and oftener, if necessary, for the transaction of the county business, on the call of the probate judge."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:52 P.M.

Act No. 111

H. 252—Malone, Wright

AN ACT

To apply only in counties having populations of not less than 96,000 nor more than 106,000, regulating the compensation and allowances of members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census, the members of the county board of education shall receive from the public school funds of the county \$25 a day and their actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board. The members of the county board shall not be allowed pay for more than 24 days in any one year, and their per diem pay and expenses shall be paid from the public school funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:53 P.M.

Act No. 112

H. 253—Foshee, Jackson (F)

AN ACT

To alter, rearrange, extend and redefine the boundary lines and corporate limits of the town of Hartford in Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Hartford in Geneva County are hereby altered, rearranged, extended and redefined so as to include within the corporate limits of the town, all territory now embraced within such corporate limits and also certain other additional and adjacent territory in said county, as follows:

Section 36, Section 25, the E $\frac{1}{2}$ of Section 26, and the E $\frac{1}{2}$ of Section 35 of Township 2 North, Range 23 East; and the N $\frac{1}{2}$ of Section 1, and the NE $\frac{1}{4}$ of Section 2, of Township 1 North, Range 23 East; and Section 30, Section 31, W $\frac{1}{2}$ of the W $\frac{1}{2}$ of Section 29, and the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of Section 32, all in Township 2 North, Range 24 East.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:54 P.M.

Act No. 113

H. 254—Crawford, Stembridge

AN ACT

To apply only in counties having populations of not less than 15,000 nor more than 15,300 according to the most recent federal decennial census, providing a county supplement to the per diem compensation of members of the county board of equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,000 nor more than 15,300 according to the most recent federal decennial census the members of the county board of equalization shall each be paid out of the general funds of the county a per diem supplement of five dollars for each day such member is engaged in the discharge of his official duties, which shall be in addition to the per diem compensation paid by the state and county as otherwise provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:56 P.M.

Act No. 114

H. 256—Crawford, Stembridge

AN ACT

Relating to all counties having populations of not less than 15,000 nor more than 15,300, according to the most recent federal decennial census; to authorize the governing body of each such county to pay the salaries of clerks for the tax assessor and the tax collector of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing bodies of all counties in this state having populations of not less than 15,000 nor more than 15,300 according to the most recent federal decennial census are authorized to pay out of their respective county treasuries the salaries of a clerk for the tax assessor and a clerk for the tax collector. Such clerks shall be appointed by the tax assessor and the tax collector. The tax assessor shall fix his clerk's salary and the tax collector shall fix his clerk's salary; however, neither clerk's salary may be fixed at more than \$3,000 per annum.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:56 P.M.

Act No. 115

H.J.R. 42—Mathews, Lybrand

HOUSE JOINT RESOLUTION

WHEREAS the Honorable Hugh Davis Merrill, prominent attorney of Anniston, who so ably serves his state and area in the Legislature of Alabama in which he has been a highly regarded member for the past ten years, and where he consistently champions the cause of education in its every phase; and

WHEREAS Mr. Merrill has worked long and diligently in gaining support for Jacksonville State University by use of his persuasive talents and legislative abilities which are immeasurably effective. His many contributions to every area of the development and growth of this institution have helped to make it the fine university which it is today and to bring to it the recognition which it so richly deserves; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Business Administration Building at Jacksonville State University be named and known as the Hugh Merrill Hall in grateful

appreciation of the many contributions of Representative Merrill to this institution.

Approved July 1, 1969.

Time: 3:06 P.M.

Act No. 116

H. 257—Tuck

AN ACT

To amend further Section 3 of Act No. 149, H. 441, Acts 1951, p. 333 relating to Green County, so as to make further provisions respecting the compensation of the chairman of the court of county commissioners.

Be It Enacted by the Legislature of Alabama:

Section 3 of Act No. 149, H. 441, approved June 29, 1951 (Acts 1951, p. 883), as amended by an act approved September 30, 1959, is hereby amended so as to read as follows:

“The chairman of the Court of County Commissioners shall be the purchasing agent for the county and shall receive a salary of five hundred dollars per month for the performance of his duties as chairman and as county purchasing agent.”

Approved July 1, 1969.

Time: 3:57 P.M.

Act No. 117

H. 258—Tuck

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the town of Gordo, Pickens County, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the town of Gordo, Pickens County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

One parcel of land situated and lying in the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 8, and the Southeast quarter (SE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 5, Township 20 South, Range 13 West in

Pickens County, Alabama more particularly described as follows: Beginning at a point 507 feet West of the Northeast corner of Section 8 and from this point run West along the Section line 273 feet; thence run South, perpendicular to the Section line 2 feet 6 inches and from this point run in a Southwesterly direction along the South land line of James E. Sullivan's property a distance of 150 feet; thence run North crossing the section line to the Northern boundary of James E. Sullivan's property a distance of 248 feet, intersecting the North line of James E. Sullivan's property at a point 613.40 feet East of a hub on old highway #82 and from this point, run East along the North line of property now owned by James E. Sullivan a distance of 200 feet and thence run South 4 feet 6 inches; thence run East parallel with section line 273 feet; thence run South 247.4 feet to the point of beginning, and which borders the North Corporate Limit Line of the Town of Gordo.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:58 P.M.

Act No. 118

H. 259—Tuck

AN ACT

To relieve the court of county commissioners, board of revenue or other like governing body of Greene County from responsibility of providing space and equipment to the county board of education and to provide in lieu thereof a cash payment.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Greene County is hereby relieved of the responsibility of furnishing office space, equipment and supplies to the county board of education or the county superintendent of education. The county governing body shall appropriate the sum of \$4,000.00 to be paid annually to the county board of education for the purpose of providing such space, equipment and supplies. The first payment shall begin on or about October 1, 1969, and every year thereafter.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 3:59 P.M.

Act No. 119

H. 284—Fite

AN ACT

Providing for the compensation and meeting days of the jury commission in every county of this state having populations of not less than 20,500 nor more than 21,850, according to the most recent federal decennial census; and providing that this Act shall have retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties of this state having populations of not less than 20,500 nor more than 21,850, according to the most recent federal decennial census, each member of the jury commission shall be paid the sum of \$10 per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasurer upon warrant of the probate judge of the county. Such warrants shall be issued by the judge of probate upon evidence satisfactory to him that such service has been rendered; but the compensation of each member of the commission shall not exceed \$400 for any year of his term. The provisions of this Act shall be retroactive; and payments heretofore made to the members of any such jury commission at the above rate for each day a commissioner was actually engaged in the discharge of the duties of the board, not to exceed \$400 in any one year, are hereby validated and confirmed.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:00 P.M.

Act No. 120

H. 286—Perloff

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Prichard in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Prichard in Mobile County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within the corporate limits of the city, the following described property:

Commencing on the present city limits or boundary line at the Southeast corner of Craftview Court Subdivision of Prichard, Mobile County, Alabama; thence directly Eastwardly along the boundary line of the City of Mobile to the point of intersection of the West boundary line of West Highlands Subdivision; thence Northwardly along the West boundary line of West Highlands Subdivision to the North boundary line of said subdivision; thence Eastwardly along the North boundary line of West Highlands Subdivision to the Southwest corner of the Semlar Subdivision which is a point on the present boundary line of the City of Prichard; thence along the the present boundary line of the City of Prichard N09° 15'W, 630 feet; thence N86° 15'W, 1320 feet, thence S73° 33'W, 1200 feet; thence S46° 27'E 90 feet; thence S43° 33'W, 190 feet; thence S46° 57'E 1290 feet to the Southeast corner of Craftview Court which is the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:05 P.M.

Act No. 121

H. 291—Downing

AN ACT

To amend Act No. 624, H. 1001, of the 1965 Regular Session (Acts of Alabama 1965, p. 1137), which applies only to certain counties classified on a population basis, and further regulates the filing for record of certain legal documents, makes unlawful the filing thereof unless certain endorsements are entered on such documents, provides that the falsification of such endorsements is a misdemeanor, and exempts judges of probate of the counties to which it applies from liability for errors in the performance of the duties imposed by the act if such errors are committed in good faith, so as to change the population span of the classification used in the act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 624, H. 1001, of the 1965 Regular Session (Acts of Alabama 1965, p. 1137) is amended to read as follows:

"An Act To provide that in all counties having a population of more than 300,000 inhabitants according to the last or any succeeding census, it shall be unlawful for any person to file for record certain legal documents that do not have legibly printed, typewritten or stamped thereon the name and address of the person or persons who prepared such legal documents, and to provide that it shall be a misdemeanor for anyone to falsify said statement; and

"To further provide that in all such counties, the judge of probate shall not be liable in damages or penalty for any error or mistake in the performance of the duties prescribed by this Act if committed in good faith."

Section 2. Section 1 of said Act No. 624, H. 1001, of the 1965 Regular Session, is amended to read as follows:

"Section 1. That in all counties having a population of over 300,000 inhabitants according to the last or any succeeding federal census, no probate judge shall receive for record or permit the recording of any instrument in which the title to real property, or any interest therein, or lien thereon, is conveyed, granted, encumbered, assigned, or otherwise disposed of, or any instrument relating to the organization, reorganization or dissolution of a private corporation, unless such an instrument has endorsed on it, a printed, typewritten or stamped statement showing the name and address of the individual who prepared the instrument."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:06 P.M.

Act No. 122

H. 305—Springer, Harris, McElhaney,
Cameron, Hobbie

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 27, Township 16 North, Range 17 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby

altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries, to-wit:

That all the part of the East half of the Southwest Quarter of Section 27, T. 16, R. 17, lying north of West Boulevard, and all that part of the West half of the Southeast Quarter of Section 27, T16, R.17, lying north of West Boulevard and West of the L&N Railroad, containing in the aggregate, 121.95 acres, more or less, all being in Section 27, T16N and R17E.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:07 P.M.

Act No. 123

H. 306—Springer, Harris, McElhaney,
Cameron, Hobbie

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Commencing at the northwest corner of Warwick Drive and Nordale Drive; thence north along the west line of Nordale Drive a distance of 140' to the north line of the Plat of Sunshine Acres, Plat No. 9, as filed for record in the office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 18, on Page 53; thence west along the north line of said Plat No. 9 a distance of 150' to the point of beginning; thence continuing west along the north line of said Plat No. 9, and also along the north line of Plat No. 11, Sunshine Acres, as filed for record in the Office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 19, at Page 9, to the northwest corner of said Plat No. 11; thence south along the west line of said Plat No. 11 to the southwest corner thereof; thence east along the south

line of said Plat No. 11 and said Plat No. 9 to the southeast corner of said Plat No. 9; thence north along the east line of said Plat No. 9 to the northeast corner thereof; thence west along the north line of said Plat No. 9 to the point of beginning; said land lying in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31, T16N, R18E.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law."

Approved July 1, 1969.

Time: 4:08 P.M.

Act No. 124

H. 307—Springer, Harris, McElhaney,
Cameron, Hobbie

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 5, Township 15 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the southwest corner of Lot 2 Block E of the Plat of Seth Johnson Estates Extension, Plat No. 1, as filed for record in the office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 20 on Page 122; thence southeasterly along the south line of said Lot 2 to the northwest corner of Lot 3 Block E of said Plat No. 1; thence easterly along the north line of said Lot 3 to the northeast corner thereof; thence northeasterly across Falcon Lane to the southwest corner of Lot 19 Block C of said Plat No. 1; thence east along the south line of Lots 19, 18, 17, 16, 15, and 14, Block C of said Plat No. 1 to the southeast corner of said Lot 14; thence north along the east line of said Lot 14 to the southwest corner of Lot 13 Block C of said Plat No. 1; thence northeasterly along the south line of said Lot 13 to the southeast corner thereof; thence north along the east line of said Lot 13 to the south line of Woodbridge Drive; thence east along the south line of Woodbridge Drive to a point on the southerly extension of the east line of Lot 5 Block A of said Plat No. 1; thence north along the southerly extension and east

line of said Lot 5 to the northeast corner of said Plat of Seth Johnson Estates Extension, Plat No. 1; thence west along said Plat to the northwest corner thereof; thence south along the west line of said Plat No. 1 to the point of beginning. Said land lying in the NW and NE quarters of the NW quarter of Section 5, T15N, R18E.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:09 P.M.

Act No. 125

H. 319—Bassett, Hardin

AN ACT

To apply only in counties having populations of not less than 25,800 nor more than 26,700; to provide for the appointment of the County Superintendent of Education; to prescribe his qualifications, duties and term of office; and to repeal all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Board of Education of all counties having a population of not less than 25,800 nor more than 26,700 according to the most recent Federal decennial census shall appoint the County Superintendent of Education, who shall take office on the first day of July 1971 and the first day of July of every fourth year thereafter and shall serve for a term of four years and until his successor is appointed and qualified. If there be a vacancy in the office from any cause whatever, the County Board of Education shall fill such vacancy in the manner provided by the general laws of the State.

Section 2. The County Superintendent of Education shall be a person of good moral character, of recognized ability as a school administrator, with academic and professional education equivalent to graduation from a standard university or college, having a masters degree, must be eligible for an administrative certificate from the State of Alabama, and shall have had not less than three years of public school administration experience within the last five years prior to his appointment.

Section 3. The County Superintendent of Education shall perform and discharge all the duties prescribed by general law for the County Superintendent of Education and any additional duties heretofore or hereafter prescribed by local or general law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:10 P.M.

Act No. 126

H. 323—Stubbs

AN ACT

Relating to the eighteenth Judicial Circuit; providing for separation of Jury by consent in the Circuit Courts of the counties composing such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this section shall apply only in the Circuit Courts of the counties composing the eighteenth Judicial Circuit.

Section 2. If the accused and his counsel and also the prosecuting attorney, in any prosecution for felony, whether capitol or non-capitol, consent thereto in open Court, the trial court in its discretion may permit the jury trying the case to separate during the pendency of the trial, whether the jury has retired or not. A separation so permitted shall not create a presumption of prejudice to the accused, but on the contrary it shall be prima facie presumed that the accused was not prejudiced by reason of the separation of the jury.

Section 3. It shall be improper for the trial Court to ask the accused, counsel for the accused, or the prosecuting attorney in the hearing of the jury whether or not he or they will consent to a separation of the jury pending the trial. It shall be improper for the accused or counsel for the accused, or the prosecuting attorney to state to the trial court in the hearing of the jury that he or they will consent to a separation of the Jury pending the trial.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:12 P.M.

Act No. 127

H. 365—Steagall

AN ACT

Relating to Dale County; providing further for the meetings of the county board of education, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Dale County shall be required to hold one regular meeting of the board each month for the transaction of any business properly coming before the board but shall not be required to hold any meetings in addition to the regular meetings. The chairman of the board may, if he deems it necessary, call special meetings of the board but such additional meetings shall not be required by law. The minutes of all board meetings shall state the purpose for which each meeting is held.

Section 2. All laws and parts of laws, local or general, in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:13 P.M.

Act No. 128

H. 366—Steagall

AN ACT

Regulating the compensation of registrars of Dale County, and providing for payment of additional compensation by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Dale County, each member of the board of registrars shall receive \$10 per day to be paid by the state, and

\$5 per day to be paid by the county, to be disbursed on order of the judge of probate for each day's attendance of the registrar upon the sessions of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:14 P.M.

Act No. 129

H. 367—Steagall

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Ozark, Dale County, so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Ozark, Dale County, are hereby altered, rearranged and extended so as to include within the corporate limits of said City the following described territory lying and being in Dale County:

E1½, Section 19, Township 5 North, Range 24 East, Dale County, Alabama, containing 320 acres, more or less.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:15 P.M.

Act No. 130

H. 372—Mays

AN ACT

To authorize county boards of education in all counties having a population of not less than 33,000 nor more than 35,000, to appoint the superintendent of education for such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 33,000 nor more than 35,000, the boards of education of such counties are hereby authorized to appoint a superintendent of education at the expiration of the term of the present superintendent in all such counties. Said superintendent shall be appointed to serve at the pleasure of the county board of education.

Section 2. All general, local or special laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:16 P.M.

Act No. 131

H. 407—Cameron

AN ACT

To provide a supplement payable by the counties for any judge of the 15th Judicial Circuit of Alabama who becomes supernumerary circuit judge.

Be It Enacted by the Legislature of Alabama:

Any judge of the 15th Judicial Circuit of Alabama who becomes a supernumerary circuit judge of this state shall be entitled to receive as additional compensation payable from the treasury of the county the sum of \$2,800.00 per annum. The salary provided for herein is supplementary to the salary paid said judges by the state and shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against said funds.

The provisions of this section are severable, and if the application thereof to any particular status or to any particular supernumerary judge is determined to be unconstitutional this shall not affect the application thereof to any other status or supernumerary judge not unconstitutionally affected thereby, nor shall it appeal any existing laws as to salary status or supernumerary judge as to which it is determined to be unconstitutional.

This Act shall take effect upon passage by the legislature and signature of the Governor, or upon its otherwise becoming law.

Approved July 1, 1969.

Time: 4:17 P.M.

Act No. 132

H. 415—Tuck

AN ACT

To alter, rearrange and establish commissioners districts in Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county of Pickens is hereby divided into four commissioners districts as follows:

The First District shall be composed of the election beats known as Henry, Providence, Vail's Palmetto, Ethelville (or Yorkville), Beard's, Reform, and that part of Bostick Beat which lies west of Lubbub Creek and is more particularly described as: All of Township 20 South, Range Fourteen West of the Huntsville Meridian, lying west of Lubbub Creek, and shall embrace the territory in said county now covered by said beats.

The second District shall be composed of the election beats known as King's Store, Olney, Franconia (or Aliceville), Vienna, Bethany, Cochrane (or Fairfield), Dancey and Memphis, and shall embrace the territory in said county now covered by said beats.

The Third District shall be composed of the beats of Shelton, Corrs, Gordo, Raleigh and all of Bostick except that part which lies west of Lubbub Creek and is more particularly described as: All of Township 20 South, Range Fourteen West of the Huntsville Meridian lying West of Lubbub Creek.

The Fourth District shall be composed of the beats of Speed's Mill, Carrollton, Springhill, Pickensville and Pine Grove, and shall embrace the territory in said county now covered by said beats, except as hereinabove provided.

The word beats as herein used means the election beats or precincts into which Pickens County is divided pursuant to law on the date on which this act becomes law.

Section 2. Act No. 156, H. 397, of the Regular Session of 1923 (Local Acts, 1923, p. 76) and all other laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:18 P.M.

Act No. 133

H. 416—Tuck

AN ACT

Relating to Pickens County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, or any gun, rifle or other hunting equipment customarily used in hunting deer, or any possession thereof upon the person or in any motor vehicle of any person who may be apprehended while engaging in hunting deer at night in Pickens County shall be contraband and shall be forfeited to the State of Alabama. Such property may be seized by the Sheriff of the county or by any other officer or person acting under authority of law in the enforcement of laws of this state, and the Sheriff or such other officer or person shall report the seizure and the facts connected therewith to the solicitor or any other prosecuting official of the county, giving a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same or any interest therein if the name is known or can be ascertained, the date of seizure, and a statement of the circumstances connected with the apprehension of the person or persons whose property has been seized.

Section 2. In order to condemn and confiscate any of the property set out in section one of this Act it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in night hunting or that the hunter be apprehended in the actual act of killing deer but it shall suffice to prove possession upon the person or in any motor vehicle of such person of guns, ammunition, and other equipment normally used in hunting deer and the time, the place, and circumstances of the apprehension sufficient to support a conviction of the offense of night hunting of deer.

Section 3. Except as otherwise herein provided, the manner, the method and procedure for the forfeiture, condemnation, and sale of any motor vehicles or hunting equipment seized under authority of this act shall be the same as that provided by law for the confiscation, condemnation, and sale of automobiles, conveyances, or vehicles in which alcoholic beverages

are illegally transported. Without limiting the generality of the foregoing sentence, the provisions of Code of Alabama 1940, Title 29, Sections 248 and 249 shall apply.

Section 4. The proceeds of the sale of any property condemned and forfeited to the state under authority of this act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the Game and Fish fund.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:19 P.M.

Act No. 134

H. 417—Manley, Pruitt

AN ACT

Providing expense allowances for members of the governing bodies of counties having populations of not less than 16,500 nor more than 17,500, to provide that such expense allowances shall be paid from the gasoline tax fund of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,500 nor more than 17,500, according to the most recent federal decennial census, the county governing body of the county may provide for the payment from the county gasoline tax fund of an expense allowance for each member of the governing body, provided the amount thereof shall not exceed \$250.00 a month, each. The amount of the allowance shall be fixed by resolution of the governing body, which shall be recorded in the minutes of such governing body. The chairman or presiding judge of the county governing body shall also be provided an expense allowance not to exceed \$300.00 a month, the exact amount of such allowance shall be fixed by resolution of the governing body. The allowances shall be paid out of the county gasoline tax fund.

Section 2. All laws or parts of laws, general, special, or local, in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective on the first day of the first month, next after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:20 P.M.

Act No. 135

H. 436—Lybrand

AN ACT

Relating to counties having populations of not less than 76,000 nor more than 96,000; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be \$5.00, which shall be collected by the sheriff and deposited in the county treasury. Such fee shall be credited to a special fund or account in the county treasury and shall be used exclusively for the purpose of purchasing and maintaining materials, books and equipment for the County Law Library, in such amounts and at such times as may be approved by the court of county commissioners, board of revenue, or other like governing body of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:21 P.M.

Act No. 136

H. 448—Foshee, Jackson (F)

AN ACT

Relating to the office of the sheriff of Covington County; providing for the compensation of the chief deputy sheriff and for the appointment, number, duties and compensation of additional deputies; repealing conflicting laws and specifically repealing the following acts relating

to the salary of the chief deputy sheriff and to the number and compensation of the additional deputies: Act No. 269 H. 615; Act No. 270, H. 616 and Act No. 382, H. 75 all of the Regular Session 1953 (Acts 1953, pp. 338; 339; 452); Act No. 46, H. 205 and Act No. 47, H. 206 both of the Regular Session 1957 (Acts 1957, p. 90).

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Covington County may appoint, in addition to the chief deputy sheriff, such number of additional deputy sheriffs as to provide for a total of not more than five additional deputies. Such additional deputies shall serve at the pleasure of the sheriff and shall perform the duties of deputy sheriffs of Covington County and such other duties connected with the office of the sheriff as the sheriff shall assign to them.

Section 2. The salary of the chief deputy sheriff shall be fixed by the board of revenue at an amount not to exceed \$500 per month and the salary of each of the additional deputies shall be fixed by said board at an amount not to exceed \$450 per month. Such salaries shall be paid out of the general fund of the county or from such other fund, in whole or in part, as the board of revenue may lawfully designate.

Section 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed and the following acts are specifically repealed: Act No. 269, H. 615; Act No. 270, H. 616 and Act No. 382, H. 75 all of the Regular Session 1953 (Acts 1953, pp. 338; 339; and 452); Act No. 46, H. 205 and Act No. 47, H. 206, both of the Regular Session 1957 (Acts 1957, p. 90).

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on the first day of the first month next following the date of its enactment.

Approved July 1, 1969.

Time: 4:22 P.M.

Act No. 137

H. 457—Williams

AN ACT

Relating to counties having populations of not less than 36,600 nor more than 37,600 according to the most recent federal decennial census; to provide further for expense allowances for the judge of the county court in all such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in all counties in this state having populations of not less than 36,600 nor more than 37,600, according to the most recent federal decennial census.

Section 2. In addition to all other compensation and allowances heretofore or hereafter provided by law, the judge of the county court in every county in which this act applies shall be entitled to an allowance for expenses in the amount of Thirty six hundred (\$3,600.00) Dollars per annum, which allowance shall be paid in equal monthly installments out of the County Treasury in every county in which this act applies.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:23 P.M.

Act No. 138

H. 504—Berryman (R)

AN ACT

To amend Act No. 119, H. 24, of the Special Session of 1967 (Acts of 1967, p. 166) which relates to the government of Lawrence County and, among other things, establishes the court of county commissioners of Lawrence County and provides for the organization, powers, jurisdiction and duties of such court and for the qualifications, election and compensation of the members thereof, amending Section 2 of such act in order to provide for the nomination and the election of members of such court of county commissioners by the county at large.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 119, H. 24 of the Special Session of 1967 (Acts of 1967, p. 166) is hereby amended to read as follows:

“Section 2. Lawrence County is hereby divided into four commissioners’ districts for the purpose of electing members of the court of county commissioners, as follows:

“The northeast district of the county shall be that portion of Lawrence County lying east of the line between Ranges 7 and 8 and north of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6.

“The northwest district of the county shall be that portion of Lawrence County lying west of the line between Ranges 7 and 8 and north of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6.

"The southeast district of the county shall be that portion of Lawrence County lying east of the line between Ranges 7 and 8 and south of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6.

"The southwest district of the county shall be that portion of Lawrence County lying west of the line between Ranges 7 and 8 and south of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6.

"A county commissioner shall be nominated and elected for each district by the qualified electors of the county at large. Commissioners for the northeast and northwest districts shall be elected at the general election to be held in November, 1968, and every four years thereafter; commissioners for the southeast and the southwest districts shall be elected at the general election to be held in November, 1970, and every four years thereafter. Each commissioner shall be a resident and qualified elector of the district for which he is elected, and shall continue to reside therein during his continuance in office."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:24 P.M.

Act No. 139

H. 505—Berryman (R)

AN ACT

To amend Act No. 272, H. 688, Regular Session 1949 (Acts 1949, p. 399) which fixes the compensation of the coroner of Lawrence County; to provide further for the compensation of such coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 272, H. 688, Regular Session 1949 (Acts 1949, p. 399) is hereby amended to read as follows:

"*Section 1.* The coroner of Lawrence County shall receive as his compensation and for other expenses and ex officio services the sum of \$75.00 a month. Such compensation shall be paid in equal monthly installments out of the general fund of the county upon warrants issued by the governing body of said county."

Section 2. This act shall become effective upon the expiration of the term of office of the incumbent coroner of Lawrence County.

Approved July 1, 1969.

Time: 4:25 P.M.

Act No. 140

H. 506—Berryman (R)

AN ACT

Relating to Lawrence County; to authorize the coroner of such county to appoint an assistant coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Lawrence County is hereby authorized to appoint an assistant coroner. The assistant coroner shall serve at the pleasure of and be responsible to the coroner and shall have the same powers as the coroner. He shall not be entitled to compensation from the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:26 P.M.

Act No. 141

H. 507—Berryman (R)

AN ACT

Relating to the office of sheriff in counties having populations of not less than 22,500 nor more than 24,550, according to the most recent federal decennial census; providing for an allowance for uniforms for the sheriff, his deputies and other employees of the sheriff's department in all such counties; authorizing the sheriff in all such counties to appoint two additional deputies sheriff; and providing for the compensation of such additional deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 22,500 nor more than 24,550 according to the most recent federal decennial census.

Section 2. The county governing body of every county to which this Act applies shall appropriate during each fiscal year such sum as is reasonably needed to provide for the purchase and upkeep of uniforms for the sheriff, his deputies, jailers and other employees of the sheriff's department. Such allowance shall be paid out of the public highway and traffic fund in the county treasury or out of the county general fund as the county governing body prescribes.

Section 3. In all counties to which this Act applies, the sheriff is authorized to appoint two deputies in addition to the deputies heretofore authorized by law. Such deputies shall be paid a salary of not less than \$4,000 nor more than \$5,200 per annum. The exact amount of such salaries shall be fixed and determined by the county governing body; and such salaries shall be paid out of the public highway and traffic fund in the county treasury or out of any other funds in the county treasury not otherwise appropriated, as the county governing body directs. Such salaries shall be paid in equal monthly installments upon warrants drawn on the county treasury in the manner prescribed by law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:27 P.M.

Act No. 142

H. 508—Berryman (R)

AN ACT

To regulate the compensation of members of the county board of registrars in all counties having populations of not less than 22,500 nor more than 24,550, according to the most recent federal decennial census; providing for payment of additional compensation from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 22,500 nor more than 24,550, according to the most recent federal decennial census, each member of the county board of registrars shall receive fifteen dollars (\$15) per day for each day's attendance upon the session of the board. Of this, ten dollars (\$10) per day shall be paid by the state as prescribed by Act No. 531, S. 101, Regular Session 1947 (General Acts 1947, p. 388), as amended, and the remaining five dollars (\$5) shall be paid from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:28 P.M.

Act No. 143

H. 536—Garrett

AN ACT

Relating to law enforcement in Conecuh County; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the Sheriff's Fund and providing for the use of such fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Conecuh County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177 shall be five dollars, which shall be collected by the Sheriff.

Section 2. Any and all monies collected under Section 1 of this act shall be deposited by the Sheriff of Conecuh County, in any bank located in Conecuh County, into a fund known as the Sheriff's Fund.

Section 3. The Sheriff's Fund as provided in Section 2 of this act shall be drawn upon by the Sheriff of Conecuh County or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the Sheriff's office as he sees fit.

Section 4. The establishment of the Sheriff's Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the Sheriff or the operation of his office.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:30 P.M.

Act No. 144

H. 540—Springer, Cameron, Harris, Hobbie
McElhaney

AN ACT

Relating to counties having populations of not less than 150,000 nor more than 300,000; to provide further for the duties and authority of the judge of probate; and to prescribe further the manner of keeping records and recording documents, instruments and paper; to provide for the discontinuance of keeping copies or prints or records in well-bound books.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 150,000 nor more than 300,000 according to the most recent federal decennial census.

Section 2. It shall be the duty of the probate judge of any county coming under the provisions of this act:

1. To issue all citations, letters testamentary, of administration and guardianship, subpoenas, executions, and all other process which is necessary for the exercise of his powers, the jurisdiction of the court, and the enforcement of its judgments, orders and decrees.

2. To keep minutes of all his official acts and proceedings and to record and preserve in a single class or series of film all documents, orders and decrees required, authorized or received to be entered and recorded, and it shall not be necessary that he shall keep both a class or series of records designated as "Minute Books," and another class and series of records designated "Final Minute Record Books."

3. To keep all the books, papers, and records belonging to his office with care and security; the papers arranged, filed and labeled, so as to be of easy reference; and the books and records lettered, and kept with general, direct and reverse indexed; but, without the authority of the court of county commissioners, he must not make new indexes.

4. To keep constantly in his office a well-arranged docket, showing the date of the issue, and return of all process, the day set for the hearing, the kind of notice ordered, the returns of the sheriff and such other entries as may be necessary to show the true condition of all proceedings pending in the court, and all fees accruing in the case, and to whom due.

5. To keep a correct account of the fees accruing to the sheriff for services of notices, citations, and other process in relation to the estate of deceased persons and minors; he may receive and receipt for such fees, and must, on demand, pay the same to the sheriff, and before the final settlement of any

estate is allowed the fees of the sheriff, or such part thereof as he is entitled to receive, must be paid.

6. To enter on the fee-book, execution docket, and on the execution, the name of the attorney of the plaintiff in the judgment.

7. On application of any person, and the payment or tender of the lawful fees, to give transcripts of any paper or record required to be kept in his office, properly certified.

8. To keep the acts, reports and digests furnished by the state to the county in his office, or in the bar library, if there be one in the county, convenient to his office, except when delivered to the sheriff for the use of the circuit court.

9. To have suitably bound, at the expense of the county and for the payment of which binding the court of county commissioners must issue a warrant on the county treasury, the reports of the census enumerators of the county; and must keep such reports in the office, open to examination without charge.

10. To provide a suitable and convenient place in the office for keeping the United States census reports, and to preserve such reports, giving free access to them.

11. To keep and preserve an accurate permanent record of the registration of deeds of conveyance and of mortgages and other instruments to secure payment of debts with direct and reverse indexes thereto.

12. To keep and preserve an accurate permanent record of the registration of liens of judgments and decrees, with direct and reverse indexes thereto.

13. To keep and preserve an accurate permanent record of the registration of notice of the adverse possession of lands, with a proper index thereto.

14. To make weekly visits to the county jail, as prescribed by law, and on each weekly visit to inspect the record books of the sheriff descriptive of prisoners in jail, and see that the entries are properly made, and verify each entry therein made, and report to the grand jury any failure of the sheriff to keep such record as is required of him by law.

15. To perform such other duties as are, or may be required of him by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of Code of Alabama 1940, Title 13, Section 280 and all laws or parts of laws in conflict with this act are expressly repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:31 P.M.

Act No. 145 H. 541—Springer, Cameron, Harris, Hobbie
McElhanev

AN ACT

Relating to counties having populations of not less than 150,000 nor more than 300,000; to provide further for the duties and authority of the judge of probate in such counties; to authorize and permit the discontinuance of keeping both "Minute Books" and "Final Record Books;" to authorize the probate judge to adopt and promulgate reasonable rules and regulations controlling public access to the system of recording and preserving records; to provide the manner of keeping records of the probate of wills; to prescribe the procedure for selling copies of certain records; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 150,000 nor more than 300,000 according to the most recent federal decennial census.

Section 2. In such counties where a microfilm recording system is installed, all documents, instruments, orders and decrees need not be entered and recorded in a separate series of film. In particular, and without limiting or restricting the comprehensiveness of the foregoing provisions, it shall not be necessary that the judge of probate shall keep both a class or series of records of the kind commonly designated as "Minute Books" and another class or series of records of the kind commonly designated as "Final Record Books," but the judge of probate may enter and record in a single class or series of film all documents, orders and decrees required, authorized or received to be entered and recorded. All instruments and documents required to be recorded may be recorded immediately upon filing, including wills filed for probate before the probate thereof. It shall not be necessary that the documents, orders or decrees in a particular case shall be entered and recorded in assembled or collected fashion; that is to say, it shall not be necessary that said documents, orders or decrees in a particular case be entered and recorded upon film in continuous numerical sequence;

and on the contrary, it shall be a sufficient compliance with the laws requiring entering and recording of such documents, orders and decrees that they are anywhere entered and recorded in the microfilm system of recording. When the entry or record of such documents, orders and decrees in a particular case is not kept in assembled or collected fashion, the judge of probate shall note on the appropriate index and docket, and also on the original documents, the film volume and frame number where each particular item is recorded; and shall, upon the filling up of any film system unit place a list in the front of such system unit showing in numerical order the docket numbers of each and every case whose documents have been entered and recorded in said unit and showing alongside the docket numbers the respective frames in such unit where documents in a particular case are entered and recorded.

Section 3. In such counties, it shall not be necessary that the certificate of the probate of a will be attached to the original will, nor to record the testimony of the proving witness or witnesses at the same time of recording said will, but it shall be sufficient if said testimony and certificate be recorded after the probate of such will and make appropriate reference to such will and its record. The record of such will, the testimony of said proving witness or witnesses, and the certificate of the probate thereof, or a transcript or copy thereof, certified by the judge of probate must be received as evidence to the same extent as if the original will was produced and the same proof made, whether or not same shall be recorded together or endorsed upon said will.

Section 4. The judge of probate may promulgate reasonable rules and regulations controlling public access to any portion of the system of recording and preserving records.

Section 5. Copies of the microfilm or film rolls of recorded documents or records may be sold or furnished to abstract companies, title companies, title insurance companies, or other purchasers, at a price and upon such terms as agreed upon by the judge of probate and approved by the Board of Revenue.

Section 6. That part of Code of Alabama 1940, Title 13, Section 280 and all other laws and parts of laws in conflict herewith are hereby repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:32 P.M.

Act No. 146

H. 549—Bassett

AN ACT

Relating to the City of Troy in Pike County: To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Troy, in the County of Pike, and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included, all of the following territory, namely:

Beginning at a point on the existing western boundary of the City of Troy Corporate limits, Pike County, State of Alabama, where the said City limits intersects the North State right of way of U. S. Highway 29, thence in a westerly direction along said right of way to the west line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Township 10, Range 20, being opposite International Paper Company Wood Yard, then South 0° 36' W 1488.7 feet, thence North 83°04' E, 1018.8 feet, thence North 108.0 feet, thence North 82°51' E, 428.5, thence North 2°34' W 938.8 feet to the South right of way of U. S. Highway 29, thence in an easterly direction along said right of way to the intersection thereof with the existing corporate limits of the City of Troy, Pike County, Alabama, thence North to the point of beginning.

Section 2. That all laws or part of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:33 P.M.

Act No. 147

H. 572—Harper

AN ACT

Relating to Tallapoosa County; levying a privilege license or excise tax upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act and the collection and use of the proceeds of the tax; prescribing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. A county privilege license or excise tax is hereby imposed upon every seller, distributor, storer or user of any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume) in Tallapoosa County. The tax shall not apply, however, with respect to transactions which occur wholly within the corporate limits of incorporated municipalities. The tax shall be two cents on each twelve fluid ounces, or fractional part thereof, of malt or brewed beverages sold, used, consumed, distributed, stored, or withdrawn from storage in the county in areas outside the corporate limits and police jurisdictions of incorporated municipalities, and one-half that amount on transactions which occur outside the corporate limits but within the police jurisdictions of such municipalities. The tax shall be in addition to all other taxes heretofore or hereafter levied on such beverages; provided, that where the amount of the tax imposed by this act shall have been paid to the county by any seller, distributor, dealer, storer or user, such payment shall be sufficient, the intent being that the tax levied by this act shall be paid but once.

Section 2. The privilege or license tax authorized herein shall be collected by or under the supervision and control of the county governing body who shall be solely responsible for the administration of this act. Said body shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and may provide for devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this act. The county governing body shall be authorized to employ such personnel and inspectors to assist in the administration and enforcement of this act as may be deemed necessary.

Section 3......Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this act, and on or before the 15th day of each calendar month thereafter, file with the county governing body a written statement sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every pur-

chase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received or procured, and a detailed, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

(b) Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense.

Section 4. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the county governing body and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State.

Section 5. (a) It shall be the duty of any person subject to the license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of license tax to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the county governing body thirty days' notice in writing of his intent to destroy or dispose of such records. The county governing body or its duly authorized agent is authorized to inspect such records and to make copies of such parts of same as he may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

(b) Upon demand by the county governing body or its authorized deputy or agent, auditor or representative, it shall

be the duty of any person subject to the license tax imposed by this act to furnish, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of license tax to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor, punishable according to law.

(c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of license tax due, and the required information as to sales in the several tax areas; or, if having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the county governing body to ascertain from such information and data as it may reasonably obtain the correct amount of license tax due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate offense.

(d) The tax shall be paid by each distributor or seller when he makes his report as required in section 3 or when he buys his decals or other devices from the county governing body, if that body requires the distributor or seller to buy decals or other devices.

Section 6. (a) It shall be the duty of the county governing body to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this act, and to furnish the same to such distributors or sellers as they may be required.

(b) It shall be the duty of the county governing body to enforce the provisions of this act, and to that end its duly appointed agent is authorized to enter lawfully any premises of

any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this act. It shall be lawful also for any police officer or a deputy sheriff to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages.

Section 7. Collection of the tax may be accomplished in this fashion:

The governing body may procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the tax levied by this act, and may procure such forms and other printed matter and materials as may be necessary in the administration of this act. Decals or other devices may be furnished to each seller or distributor of malt or brewed beverages, upon his request therefor and payment of the amount of tax corresponding to the stated value of the decals or other devices that he procures, less a ten per cent (10%) discount; provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storage sold or delivered.

Section 8. The proceeds of the tax imposed by this act shall be paid into the general fund in the county treasury and may be used for any lawful county purpose.

Section 9. Any person, firm, or corporation who violates any provision of this act or the rules and regulations as may be provided by the county governing body shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 10. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed in the rules and regulations promulgated by the county governing body shall pay, in addition to the tax, a penalty of ten per cent of the amount of tax, together with interest thereon at the rate of one-half of one per cent per month or fraction thereof, from the date

at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:34 P.M.

Act No. 148

H. 608—Neville

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Clayton in Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Clayton in Barbour County are hereby altered, rearranged, extended, and redefined so as to include within such corporate limits of the town all the territory now within such corporate limits and also certain other additional and adjacent territory in said county, as follows:

West Half of Southwest Quarter, Section 29; Southeast Quarter and South Half of Northeast Quarter, Section 30; East Half of Section 31; Northwest Quarter of Northwest Quarter, South Half of North Half, and all of South Half, Section 32; South Half of North Half, and all of South Half, Section 33; Southwest Quarter of Southwest Quarter and North Half of South Half, Section 34; Township 11 North, Range 26 East. West Half of West Half, Section 3; all of Section 4; all of Section 5; Northeast Quarter of Northeast Quarter, Section 9; and North Half of North Half, Section 10; Township 10 North, Range 26 East.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:35 P.M.

Act No. 149

H. 627—Steagall

AN ACT

Relating to counties having populations of not less than 31,000 nor more than 32,000; fixing the compensation and providing an expense allowance for the county governing body; and to validate actual expenses heretofore paid for travel and other expenses incurred in the performance of duties outside the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the court of county commissioners, board of revenue, or like governing body of any county having a population of not less than 31,000 nor more than 32,000 according to the most recent federal decennial census, except the chairman or other presiding officer, shall receive a salary of two thousand four hundred dollars (\$2,400.00) per annum, payable in equal monthly installments out of the county treasury. The members of the governing body other than the chairman or other presiding officer shall each receive an allowance of one hundred seventy-five dollars per month, payable out of the county treasury, as reimbursement for expenses incurred by them in the performance of their duties as members of the county governing body. In addition to the allowance provided herein, the members of the governing body shall be paid their actual expenses incurred in the performance of their duties outside the county. Compensation provided for herein shall be in lieu of all other compensation provided by law. The chairman or other presiding officer of the court of county commissioners, board of revenue, or like governing body of any such county shall continue to receive the same compensation as the chairman or other presiding officer of county governing bodies under the general law.

Section 2. Actual expenses paid to the chairman and members of the governing body of any such county for cost of travel and lodging outside the county on county business prior to passage of this Act are hereby validated and approved.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:36 P.M.

Act No. 150

H. 624—Melton, Garrett

AN ACT

Relating to Conecuh County; providing further for the compensation of the deputy sheriffs of said county.

Be It Enacted by the Legislature of Alabama:

Section 1......In Conecuh County the chief deputy sheriff shall be paid a salary of not less than \$550 per month and every other deputy shall receive a salary of not less than \$500 per month. The exact amount of each of such salaries shall be fixed by the county governing body and shall be paid in equal installments from the general fund in the county treasury or any other funds available for such purpose according to law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:37 P.M.

Act No. 151

H. 611—Lemley

AN ACT

To alter, rearrange, extend, and redefine the boundaries and corporate limits of the Town of Blountsville in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Blountsville in Blount County are hereby altered, rearranged, extended, and redefined so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other additional and adjacent territory in said county, as follows:

The E $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 12;

The S $\frac{1}{2}$ of Section 12;

Section 13;

The E $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 11;

The E $\frac{1}{4}$ of Section 14;

The NE $\frac{1}{4}$ of Section 24;

The E $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 24;

The E $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 24;

The E $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 25,

All in Township 11, South, Range 1 West, Blount County, Alabama.

Also,

The W $\frac{1}{2}$ of Section 7
 The W $\frac{1}{2}$ of Section 18
 The W $\frac{1}{2}$ of Section 19
 The NW $\frac{1}{4}$ of Section 30

All in Township 11, South, Range 1 East, Blount County, Alabama.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:38 P.M.

Act No. 152

H. 630—Tuck

AN ACT

Relating to Greene County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, or any gun, rifle or other hunting equipment customarily used in hunting deer, or any possession thereof upon the person or in any motor vehicle of any person who may be apprehended while engaging in hunting deer at night in Greene County shall be contraband and shall be forfeited to the State of Alabama. Such property may be seized by the Sheriff of the county or by any other officer or person acting under authority of law in the enforcement of laws of this state, and the Sheriff or such other officer or person shall report the seizure and the facts connected therewith to the solicitor or any other prosecuting official of the county, giving a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same or any interest therein if the name is known or can be ascertained, the date of the seizure, and a statement of the circumstances connected with the apprehension of the person or persons whose property has been seized.

Section 2. In order to condemn and confiscate any of the property set out in Section 1 of this Act it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in night hunting or that the hunter be apprehended in the actual act of killing deer but it shall suffice to prove possession upon the person or in any motor vehicle of such person of guns, ammunition, and other equipment normally used in hunting deer and the time, the place, and circumstances of the apprehension sufficient to support a conviction of the offense of night hunting of deer.

Section 3. Except as otherwise herein provided, the manner, the method and procedure for the forfeiture, condemnation, and sale of any motor vehicles or hunting equipment seized under authority of this act shall be the same as that provided by law for the confiscation, condemnation, and sale of automobiles, conveyances, or vehicles in which alcoholic beverages are illegally transported. Without limiting the generality of the foregoing sentence, the provisions of Code of Alabama 1940, Title 29, Sections 248 and 249 shall apply.

Section 4. The proceeds of the sale of any property condemned and forfeited to the state under authority of this act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the Game and Fish Fund.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:39 P.M.

Act No. 153

H. 642—Fine

AN ACT

Relating to counties having a population of not less than 13,700 nor more than 14,300; increasing the salary of the deputy solicitor in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 13,700 nor more than 14,300 according to the most recent federal decennial census, the salary of the deputy solicitor in such county shall be \$3,600 per year, payable from the general funds of the county in equal monthly installments.

Section 2. All laws, general, local or special, or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:40 P.M.

Act No. 154

H. 650—Berryman (R)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Town Creek in Lawrence County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Town Creek in Lawrence County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within such corporate limits of the town, a tract of land more particularly described as follows:

That land east of and adjacent to the present corporate limits of the town and lying along each side of Alabama highway number 20 for a distance of one-half mile and extending south of such highway for a distance of one-fourth mile and north of such highway to the right-of-way of the Southern Railroad.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:41 P.M.

Act No. 155

H. 654—Downing, Grayson, Nettles

AN ACT

To provide that the Governing Body of any City or town in any county in the State of Alabama having a population, according to the

last or any future Federal Census, in excess of 300,000 inhabitants and less than 600,000 inhabitants may, by resolution or ordinance, create the position of Assistant City Attorney on a full time basis, and designate the position to be that of the Senior Assistant City Attorney, or Principal Attorney, or other such appropriate title; and may provide by the same resolution or ordinance that any person presently holding such position in the municipal government shall be immediately placed upon the employment roster of any country-wide Civil Service or merit system of such county, without examination and without any decrease in the salary of such person, and such position shall thereafter remain under the provisions of any such countrywide Civil Service or merit system.

Be It Enacted by the Legislature of Alabama:

Section 1: The governing body of any City or town in any county in the State of Alabama having, according to the last or any future Federal Census, a population in excess of 300,000 inhabitants and less than 600,000 inhabitants may, notwithstanding the provisions of any other statute of Alabama, in its sole discretion, by the adoption of a resolution or ordinance, provide for the creation of the position of Assistant City Attorney, under the title of Senior Assistant City Attorney, Principal Assistant City Attorney, or other such appropriate title, on a full time basis. Such ordinance or resolution may provide that any person holding a full-time assistant City Attorney position shall be placed on the employment roster of any Civil Service or merit system in said County, without examination, and without any decrease in salary, and such position shall thereafter remain subject to the statutes and rules and regulations of any such Civil Service or merit system in said county.

Section 3: That all laws or parts of laws, general or local, in conflict with this Act are hereby repealed to the extent of such conflict.

Section 4: This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:42 P.M.

Act No. 156

H. 662—Bassett, Hardin

AN ACT

Relating to Pike County; to provide for election of County Commissioners by the qualified electors of the county at large.

Be It Enacted by the Legislature of Alabama:

Section 1. From and after the effective date of this Act each candidate for the office County Commissioner of Pike

County at the time of his qualification as a candidate for such office shall reside in and be a qualified elector of the district he is a candidate to represent; but all County Commissioners shall be elected by the qualified electors of the county at large.

Section 2. All laws and parts of laws in conflict with the provisions of this act are to the extent of the conflict repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:43 P.M.

Act No. 157

H. 664—Stubbs

AN ACT

Relating to Shelby County; levying a tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Shelby County, Alabama, for any use, gasoline, and diesel fuel as defined by this Act; providing for the collection and enforcement of the tax; and prescribing and restricting the use to which the proceeds thereof may be applied.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words, when used in this Act, shall have the meaning ascribed to them below, unless the context clearly indicates a different meaning:

“Person” includes any corporation as well as a natural person.

“Gasoline” means any type of gasoline, naptha, or other liquid motor fuel, or any device or substitute therefor, commonly used in internal combustion engines.

“Diesel Fuel” means any type diesel oil, tractor fuel, gas, oil, distillate or liquified gas, or any device or substitute therefor.

Section 2. In addition to all other taxes and licenses, there is hereby levied upon every distributor, refiner, retail dealer or storer of gasoline or diesel fuel in Shelby County, Alabama, an excise tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Shelby County for any use, gasoline, or diesel fuel as defined by this Act; provided, the tax shall not be levied or paid on the sale of gasoline, or diesel fuel in the interstate commerce or to the Government of the United States or its agencies, or direct to the State of Alabama. When the tax levied herein shall have been paid by a distributor,

refiner, retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall be paid but once. The tax shall not be levied or paid on gasoline or diesel fuel which is withdrawn from storage within Shelby County for delivery only to a point or points outside the county, when the distributor or seller of such gasoline, or diesel fuel prepares and files with the governing body of Shelby County written statements sworn to and subscribed, in such form as may be required by the county governing body, showing the name and address of the person to whom the gasoline, or diesel fuel is or has been delivered by the distributor; the volume and kind of such gasoline, or diesel fuel; the dates of such withdrawal; and the point or points outside the county to which such gasoline, or diesel fuel is delivered or is to be delivered.

Section 3. On or before the twentieth day of each month after this Act shall have become effective, every person upon whom the tax levied herein is imposed shall render to the governing body of Shelby County, on forms prescribed by the county governing body, a true and correct statement of all sales and withdrawals of gasoline, or diesel fuel liable for payment of the tax imposed by this Act made by him or them during the next preceding month; shall furnish to the county governing body such additional information as the county governing body may require upon blanks to be formulated and furnished by the county governing body; and, at the time of making such report, shall pay to the county governing body, the tax levied by this Act upon such sales and withdrawals. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths. Any willfully false statement sworn to shall constitute perjury, and upon conviction thereof, the person so convicted shall be punished as provided by law.

Section 4. All distributors, storers or retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents, or papers, as will clearly show the amount of sales or withdrawals of gasoline, or diesel fuel made in Shelby County and subject to the tax levied by this Act.

Section 5. Within thirty (30) days after this Act shall have become effective, every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline, or diesel fuel in Shelby County shall make a report on blanks furnished under Section 3 hereof to the governing body of the county, showing the place and post office address at which his business of distributor or storer or retail dealer in gasoline, or diesel fuel is located in the county, which information shall be entered by the

county governing body on a book kept for that purpose, and should such distributor, storer, or retail dealer move his place of business from one business address to another, such distributor, storer or retail dealer shall within thirty (30) days thereafter notify the county governing body of such removal, giving the former place and post office address and also the place and post office address to which the place of business has been removed. After the passage of this Act, no person shall become a distributor, storer or retail dealer of gasoline, or diesel fuel in Shelby County until he shall have made such report to the county governing body.

Section 6. If any distributor, storer or retail dealer in gasoline, or diesel fuel in Shelby County fails to make any report required by the provision of this Act, or fails to comply with any lawful regulation adopted by the county governing body for the collection of the tax, or fails to make any report within the time prescribed, or fails to pay the tax imposed within the time fixed for the payment thereof, such distributor, storer or retail dealer shall be guilty of a misdemeanor, and upon the conviction thereof shall be fined not less than fifty dollars nor more than three hundred dollars for each offense.

Section 7. It shall be the duty of the court of county commissioners, board of revenue, or like governing body of Shelby County to enforce the provisions of this Act, and to make any and all rules and regulations necessary and proper for the collection of the tax levied herein. The county governing body or any member thereof or its agents shall have the right to examine the books, report, and accounts of every distributor, storer or retail dealer of gasoline, or diesel fuel subject to such tax.

Section 8. If any distributor, storer or retail dealer in gasoline, or diesel fuel willfully fails to make monthly reports or fails to pay the tax imposed under the authority of this Act, the tax shall be deemed delinquent within the meaning of this Act, and there shall be added to the amount of his tax a penalty of twenty-five percent; provided, however, that if in the opinion of the county governing body a good and sufficient cause and reason is shown for such delinquency, the penalty may be remitted. The county governing body is hereby authorized and empowered to make returns for delinquent taxpayers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the county governing body shall issue execution for the collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the county tax collector, and make return of such execution to the governing body issuing

the same. The tax levied by this Act and the penalty herein provided for shall be held as a debt payable to the county by the person against whom the same shall have been imposed or against whom the same shall have been imposed or against whom the penalties shall have accrued; and all such taxes and penalties shall be a lien upon the property in said county and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax levied by this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Each agent of any railroad company, bus, or truck operator, or other transportation company or agency operating in Shelby County shall report to the county governing body on the first day of October, January, April, and July of each year all shipments of gasoline, or diesel fuel as defined in this Act handled by him or through the station or office which he is an agent, and delivered to any person in Shelby County, Alabama, during the preceding three months, giving the names and addresses of the consignor and consignee shipping and receiving gasoline, or diesel fuel and the number of gallons or pounds contained in each and every shipment.

Section 11. The proceeds of the tax levied by this Act shall be paid into the Gasoline Fund of the Shelby County Board of Revenue and Control and shall be used exclusively for road construction and road maintenance in Shelby County.

Section 12. Gasoline or diesel fuel used for agricultural or industrial purposes and not used to propel motor vehicles upon the public highways of this county is hereby exempt from the levy of tax contained herein and such exemption may be claimed and refund of any such tax paid for such fuel so used shall be made by the Shelby County Board of Revenue and Control in accordance with regulations adopted by said Board and relating to existing State laws providing for the refund of such exempt tax. Fuel used for domestic or commercial heating purposes is hereby exempt from the operation of this tax.

Section 13. This Act shall become effective only after passage by the Legislature of the State of Alabama, approval by the Governor, and approval by a majority of the electors participating in a special election to be held in Shelby County on the first Tuesday after the expiration of thirty (30) days after the approval of this Act by the Governor of the State of Alabama. The special election shall be called by the Shelby County Board of Revenue and Control after giving due notice by publication for one week of such election as is provided by law.

Following said special election and in the event of the approval of this tax by the majority of the electors participating therein, this Act shall become effective on the first day or the fifteenth day of the next following month as may be determined by the Shelby County Board of Revenue and Control.

Section 14. The governing body of Shelby County shall be charged with the duty of enforcing the provisions of this Act.

Section 15. Should any section, paragraph or portion of this Act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 16. All laws or parts of laws in conflict with this Act are hereby repealed.

Approved July 1, 1969.

Time: 4:44 P.M.

Act No. 158

H. 730—Harper

AN ACT

To alter, rearrange, redefine, and extend the boundary lines and corporate limits of the Town of Camp Hill, in Tallapoosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Camp Hill in Tallapoosa County are hereby altered, rearranged, redefined and extended so as to include within the corporate limits of the Town a tract of land more particularly described as follows:

In Section 8, Township 21 North, Range 24 East The Southwest quarter and the Southeast quarter.

In Section 9, Township 21 North, Range 24 East, The Southwest quarter and the Southeast quarter.

In Section 10, Township 21 North, Range 24 East, The Southwest quarter and the Southeast quarter.

Section 17, Township 21 North, Range 24 East.

Section 16, Township 21 North, Range 24 East.

Section 15, Township 21 North, Range 24 East.

Section 20, Township 21 North, Range 24 East.

Section 21, Township 21 North, Range 24 East.

Section 22, Township 21 North, Range 24 East.

In Section 29, Township 21 North, Range 24 East, The Northwest quarter and the Northeast quarter.

In Section 28, Township 21 North, Range 24 East, The Northwest quarter and the Northeast quarter.

In Section 27, Township 21 North, Range 24 East, The Northwest quarter and the Northeast Quarter.

All the above described lands lying in Section 8, 9, 10, 15, 16, 17, 20, 21, 22, 29, 28, and 27, Township 21 North, Range 24 East, Tallapoosa County, Alabama.

Section 2. This act shall become effective immediatly upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 1, 1969.

Time: 4:45 P.M.

Act No. 159

S. 289—Clark, Gilmore, Adams,
Morrow and Cooper

AN ACT

RELATING TO DISPLACEMENT OF INDIVIDUALS, FAMILIES, FARM OPERATIONS, BUSINESSES AND NON-PROFIT ORGANIZATIONS; PROVIDING THAT PAYMENTS MAY BE MADE TO THEM AS A RESULT OF MOVING FROM THEIR HOME, FARM, OR BUSINESS DUE TO ACQUISITION OF THEIR PROPERTY FOR HIGHWAY CONSTRUCTION PURPOSES; PROVIDING THAT RELOCATION MOVING PAYMENTS BE CONSIDERED A PART OF HIGHWAY CONSTRUCTION; PROVIDING THAT THE HIGHWAY DEPARTMENT MAY PROVIDE A RELOCATION ADVISORY ASSISTANCE PROGRAM IN KEEPING WITH THIS ACT; PROVIDING OPTIONAL MODES OF PAYMENT TO THOSE DISPLACED AND COVERED UNDER THIS ACT; AUTHORIZING THE HIGHWAY DIRECTOR TO ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ACT; AUTHORIZING THE HIGHWAY DIRECTOR TO ADOPT APPLICABLE FEDERAL RULES AND REGULATIONS TO IMPLEMENT THIS ACT AND TO COMPLY WITH THE RELOCATION ASSISTANCE PROVISIONS OF THE FEDERAL-AID HIGHWAY ACT OF 1968 AND SUBSEQUENT FEDERAL ACTS RELATED THERETO; REPEALING SECTION 39(2), TITLE 23, CODE OF ALABAMA, 1940, RECOMPILED 1958; TO PROVIDE HOW THIS ACT MAY BE CITED; AND TO PROVIDE A SEVERABILITY CLAUSE.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known as and may be cited as the "Relocation Assistance Act".

Section 2. When used in the Sections of this Act, the following words and phrases shall have the following meanings:

“Highway Director” shall mean the Chief Executive officer of the Highway Department.

“Person” shall mean (a) any individual, partnership, corporation or association which is the owner of a business; (b) any owner, part owner, tenant, or sharecropper operating a farm; (c) an individual who is the head of a family; or (d) an individual not a member of a family.

“Family” shall mean two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.

“Displaced person” shall mean any person who moves from real property on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, which is subsequently acquired, in whole or in part, for highway purposes or as the result of the acquisition for highway purposes of other real property on which such person conducts a business or farm operation.

“Business” shall mean any lawful activity conducted primarily (a) for the purchase and resale, manufacture, processing, or marketing of products, commodities or any other personal property; (b) for the sale of services to the public; or (c) business shall include a non-profit organization.

“Farm operation” shall mean any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support.

“Moving expense” shall mean and include the cost of dismantling, disconnecting, crating, loading, insuring, temporary storage, transporting, unloading, reinstalling of personal property, including service charges in connection with effecting such reinstallations, exclusive of the cost of any additions, improvements, alterations, or other physical changes in or to any structure in connection therewith, and necessary temporary lodging and transportation of eligible persons.

“Owner” shall mean an individual (or individuals:) (a) owning, legally or equitably, the fee simple estate, a life estate, a ninety-nine (99) year lease, or other proprietary lease-hold interest in the property; (b) the contract purchaser of any of the foregoing estates or interests; or (c) who within one (1) year immediately preceding the date on which he was required to move has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law.

"Existing patronage" shall mean the average dollar volume of business transacted during the two (2) taxable years immediately preceding the year in which the business is displaced.

Section 3. In order to prevent unnecessary expenses and duplication of functions, the Highway Department may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this Act by utilizing the facilities, personnel, and services of any other Federal, State or local governmental agency having an established organization for conducting relocation assistance programs.

Section 4. The Highway Department may provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order:

(1) To determine the needs, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

(2) To assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can be reasonably accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the Highway Director for decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment;

(3) To assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations.

Section 5. A. Payments for Actual Expenses: As part of the cost of construction the Highway Department may compensate a displaced person for his actual and reasonable expenses in moving himself, his family, his business, or his farm operation, including personal property.

B. Optional Payments (Dwellings): Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (A) of this section may receive:

1. A moving expense allowance, determined according to a schedule established by the Highway Director, not to exceed two hundred dollars (\$200.00); and

2. A dislocation allowance in the amount of one hundred dollars (\$100.00).

C. Optional Payments (Business and Farm Operations): Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this section in lieu of the payment authorized by subsection (A) of this section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or five thousand dollars (\$5,000.00), whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the Highway Department is satisfied that the business (a) cannot be relocated without a substantial loss of its existing patronage, and (b) is not part of a commercial enterprise having at least one other establishment, not being acquired by the State or by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two (2) taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two (2) year period. To be eligible for the payment authorized by this subsection, the business or farm operation must make income tax returns available and its financial statements and accounting records available for audit for confidential use to determine the payment authorized by this subsection.

Section 6. A. In addition to amounts otherwise authorized by this Act, as a part of the cost of construction the Highway Department may make payment to the owner of real property acquired for a project which is improved by a single-, two-, or three-family dwelling actually owned and occupied by the owner for not less than one (1) year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed five thousand dollars (\$5,000.00), shall be the amount, if any, which when added to the acquisition payment, equals the average price required for a comparable dwelling determined, in accordance with standards established by the Highway Director to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project.

B. In addition to amounts otherwise authorized by this Act, the Highway Department may make payment to any indi-

vidual or family displaced from any dwelling not eligible to receive a payment under subsection (A) of this section which dwelling was actually and lawfully occupied by such individual or family for not less than ninety (90) days immediately prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed fifteen hundred dollars (\$1,500.00) shall be the amount, if any, which is necessary to enable such person to lease or rent for a period not to exceed two (2) years, or, in lieu thereof, to make the down payment on the purchase of a decent, safe, and sanitary dwelling with standards established by the Highway Director, adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

Section 7. A. In addition to amounts otherwise authorized by this Act, the Highway Department may reimburse the owners of real property acquired for a project for reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such property; (2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record as provided by law on the date of approval by the Highway Department of the location of such project; and (3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the State, or the effective date of possession of such real property by the Highway Department, whichever is earlier.

B. No payment received under this Act shall be considered as income for purposes of the State Income Tax Law; nor shall such payments be considered as income or resources to any recipient of public assistance and such payment shall not be deducted from the amount of aid to which the recipient would otherwise be entitled to under any State Welfare or public assistance program.

C. In all cases of condemnation, in Probate or Circuit Court, any amounts paid or agreed to be paid to the property owner under this Act shall be made known to the court along with the basis of such payment, and such amounts and the items for which payments were made under this Act, shall not be considered as a part of just compensation, but shall be an additive payment to the displaced property owner. In those condemnation cases where damages are to be assessed, the Court shall instruct the commissioners or the jury as to the amount of any such payment, or agreement for payment under this Act, and the items for which such payments were made or to be made, and that such payments are considered as additives

to the displaced property owner and that such payments are not to be considered as a part of just compensation.

Section 8. The Highway Director is hereby authorized to adopt such rules and regulations as he deems necessary and appropriate to carry out the provisions of this Act. The Highway Director is hereby authorized and empowered to adopt all or any part of applicable Federal rules and regulations which are necessary or desirable to implement this Act. The Highway Director is hereby further authorized to take such additional action as may be required to fully qualify the Highway Department for any Federal assistance available for carrying out the relocation assistance provisions of the Federal Aid Highway Act of 1968 and subsequent Federal Acts related thereto.

Section 9. Nothing contained in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the date of enactment of this Act.

Section 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 11. Section 39(2), Title 23, Code of Alabama, 1940, Recompiled 1958, is hereby repealed upon the passage and enactment of this Act or its otherwise becoming law.

Section 12. This Act shall take effect immediately on its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:30 P.M.

Act No. 160

S. 303—Goodwyn, Pierce

AN ACT

To amend Act No. 403 adopted at the 1967 Regular Session of the Legislature of Alabama relating to the establishment in the City of Montgomery of a college or branch of Auburn University and the issuance of bonds therefor by Alabama Public School and College Authority so as to provide that the said college or branch may be located in either or both the said city and in its police jurisdiction, and that the net proceeds from the sale of the bonds authorized in the said Act No. 403 may be used for the acquisition as well as the construction and equipment of physical facilities, so as to eliminate from the said act the provisions permitting the use of a portion of the proceeds from

the said bonds for support and maintenance of the said college or branch, so as to clarify the provisions of the said act which have the effect of incorporating therein by reference Act No. 243 adopted at the First Special Session of 1965 of the Legislature, and so as to make the said incorporation by reference applicable to the said Act No. 243 as amended by an act adopted at the 1969 Regular Session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 403 adopted at the 1967 Regular Session of the Legislature shall be and hereby is amended so that the said Section 1 shall read as follows:

Section 1. The Alabama Public School and College Authority created and established under the provisions of Act No. 243, H. 29, approved May 4, 1965 (Acts, First Special Session 1965, p. 331) is hereby authorized to issue and sell its bonds in the principal amount of \$5,000,000 in addition to all other bonds heretofore issued or heretofore authorized to be issued by said Authority. All bonds sold under authority of this Act shall be issued, secured by, and the principal and interest amortized and paid in the same manner and from the same funds as prescribed in said Act No. 243, as amended by an act adopted at the 1969 Regular Session of the Legislature, with respect to bonds issued by the said Authority. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on any bonds issued by it under the provisions of this Act and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose and appropriated such amount of money as may be necessary for that purpose out of the residue of the receipts from the excise taxes referred to in Section 11 of the said Act No. 243 and required by law to be paid into the Alabama Special Educational Trust Fund remaining each year after providing for payment of the principal of and interest on all bonds that constitute a prior charge on the said residue.

Section 2. Section 2 of the said Act No. 403 shall be and hereby is amended so that the said Section 2 shall read as follows:

Section 2. The proceeds of all bonds issued and sold by the Authority under this act remaining after paying expenses of their issuance shall be deposited in the state treasury and shall be carried in the state treasury in a special or separate account. The net proceeds derived from the sale of the bonds shall be distributed to Auburn University to be used by the board of trustees thereof for the acquisition, construction and equipment of physical facilities for conducting a four year college or branch of the University in either or both the City of Montgomery and its police jurisdiction.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed to the extent of such conflict.

Section 5. This Act shall become effective immediately upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming law.

Approved July 8, 1969.

Time: 3:05 P.M.

Act No. 161

S.250—Engel, McDermott, Givhan, Cooper

AN ACT

To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$4,000,000 for the purpose of financing the work required of the Alabama State Docks as the local sponsoring agency for the improvement in Mobile Harbor, Alabama, known as the Theodore Ship Channel project or for the purpose of financing the construction, dredging of approaches thereto and equipment of works of internal improvement for use and operation as a part of additional State Docks facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

The State of Alabama is authorized to become indebted for the purpose of financing the work required of the Alabama State Docks as the local sponsoring agency for the improvement in Mobile Harbor, Alabama, known as the Theodore Ship Channel project or for additional improvements for the Alabama State Docks and in evidence of the indebtedness so incurred to issue and sell, in addition to all other bonds of the State, interest bearing general obligation bonds of the State not exceeding four million dollars (\$4,000,000) in principal amount. The full faith and credit and taxing power of the State are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon.

The Alabama State Docks Department (which term as used herein shall be construed to include any other agency of the State that may succeed to said Department's functions) shall, subject to the provisions of the bond order relating to the

sale of the \$10,000,000 principal amount of general obligation seaport facilities bonds of the State of Alabama dated March 1, 1964, pledge and use so much of the revenues derived from its seaport facilities as may be necessary to pay at their maturities the principal of and interest on said bonds, and may pledge, agree to use, and use so much of said revenues as the said Department with the approval of the Governor may determine shall be necessary or desirable to build up and maintain reserves for the payment of said principal and interest for the maintenance, replacement and improvement of its seaport facilities. The proceeds from the sale of any such bonds shall, after payment of the reasonable and necessary expense of their issuance, be set aside in a special fund in the State Treasury and shall be paid out to the Alabama State Docks Department upon authorization by the Governor and shall be held by the said Department in a special trust fund and therefrom disbursed to pay the reasonable and necessary costs required of the Alabama State Docks as the local sponsoring agency for the improvement in Mobile Harbor, Alabama, known as the Theodore Ship Channel project or to pay the reasonable and necessary costs of constructing, dredging of approaches thereto and equipment of works of internal improvement for use and operation as a part of additional State Docks facilities; provided that, if said Department shall have issued any notes in anticipation of the sale of bonds for any of said purposes, then so much as may be necessary, not exceeding \$2,000,000, shall be used to retire or fund said notes.

The Alabama State Docks Department is hereby vested with full authority, subject to the provisions of the bond order relating to the sale of \$10,000,000 principal amount of general obligation seaport facilities bonds of the State of Alabama dated March 1, 1964, and except as limited herein, to prescribe the terms of the bonds and to provide for the issuance and sale thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates, payable and evidenced in such manner, and may contain provisions for redemption at the option of the State to be exercised by the State Docks Department at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said Department in the order or orders under which the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amount as shall be specified in the authorizing

order or orders, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. The largest installment of principal and interest maturing on each series of the bonds in any one year shall not exceed twice the preceding smallest installment of principal and interest maturing thereon in any prior year. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery. The bonds shall be sold only at public sale or sales, either on sealed bids or at auction, after such advertisement as may be prescribed by the said Department to the bidder whose bid reflects the lowest net interest cost to the State computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said Department is received all bids may be rejected.

The bonds shall be signed in the name of the State by the Governor and countersigned by the State Docks Director, and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on any of such bonds in lieu of being manually signed thereon. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature shall constitute due and sufficient authentication of said coupons.

All bonds issued under the provisions of this amendment, together with the interest income thereon, shall forever be exempt from taxation in this State.

The authorization to incur debt and issue bonds contained in this amendment shall supersede and take the place of any authorization for Alabama State Docks Department to issue revenue bonds granted by act of the Legislature in effect on the effective date of this amendment.

The provisions of this amendment shall be self-executing and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder.

Section II. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the Regular Session of the Legislature of Alabama of 1969. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate June 13, 1969.

Passed the House June 24, 1969.

Act No. 162

S. 186—Stone, Clark, Cooper, Goodwyn, Torbert, Givhan, Lindsey, Adams, Turner, Jackson, Giles, Nabors, Branyon, Lolley, Morrow, Gilmore, Oden, Radney, Pierce, Carr, Leonard, Folsom, Bailes, Hawkins, McDermott, Pelham, Engel, Childs, Vacca, Albea

AN ACT

To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in connection with (1) the construction and maintenance of a navigable waterway between Montgomery and Gadsden and to the Alabama-Georgia boundary and (2) to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$10,000,000; and (3) to authorize the state to establish a public corporation with the powers and resources necessary to undertake obligations authorized by this amendment to be undertaken by the state.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed:

PROPOSED AMENDMENT

"Any provision of the Constitution of Alabama or amendments thereto to the contrary notwithstanding, the legislature may by appropriate laws authorize the state to engage in works of internal improvement by fulfilling the requirements of local contribution, participation and cooperation now or hereafter established by the United States in connection with the construction and maintenance of a navigable waterway (herein called "the waterway") between Montgomery and Gadsden and to the Alabama-Georgia boundary.

The legislature may by appropriate laws authorize the state to become indebted, and in evidence of such indebtedness, to sell and issue its interest-bearing bonds, in an aggregate principal amount not exceeding \$10,000,000, for the purpose of enabling the state to discharge obligations at any time authorized by the legislature to be undertaken in connection with the waterway project; provided, that the expenses incurred in connection with the sale and issuance of the bonds may also be paid from the proceeds thereof. Bonds evidencing the herein provided for indebtedness may be issued as direct general obligations of the state, and the state may pledge its full faith and credit to the prompt payment of the principal of the bonds and the interest thereon. The herein provided for indebtedness shall not be construed to prohibit or limit appropriations from the general fund of the state which from time to time may be made for the purpose of enabling the state to discharge obligations at any time authorized by the legislature to be undertaken in connection with the waterway project.

The legislature may by appropriate laws establish a public corporation and may confer upon it, in addition to all other necessary powers, full power to undertake the obligations that the state is permitted under the foregoing provisions of this amendment to undertake in connection with the waterway project. The legislature may from time to time appropriate money from the general fund of the state to be expended by such public corporation and may also authorize the herein provided for general obligation bonds of the state to be sold from time to time under the supervision of such public corporation; provided, that all moneys received by such public corporation from the state, whether as appropriations from the state's general fund or as proceeds of the sale of the state's bonds, shall be expended, except for reasonable administrative expenses, in discharging obligations that the state is permitted under the foregoing provisions of this amendment to undertake in connection with the waterway project, and shall have directed such public corporation to undertake in its stead.

Nothing herein shall authorize the legislature to establish any such public corporation to acquire by purchase, license, lease, condemnation or otherwise a hydroelectric project (or any part thereof) heretofore or hereafter licensed by the Federal Power Commission under the Federal Power Act of June 10, 1920, Public Law No. 280, 66th Congress, 2nd Session, and amendments thereto, or any such project (or any part thereof) otherwise authorized by act of Congress.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of

the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940, as amended.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each court house and post office."

Constitutional Amendment.

Passed the Senate June 13, 1969.

Passed the House July 8, 1969.

Act No. 163 S. 183—Giles, Jackson, Stone, Gilmore, Lolley
AN ACT

To make an appropriation for the use of the board of adjustment for making awards to widows and dependents of certain peace or law enforcement officers and firemen killed in line of duty.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$120,000.00, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, to the use of the board of adjustment for the purpose of paying awards made to the widows and dependents of deceased peace or law enforcement officers and firemen under the provisions of Act No. 208, S. 34 of the Special Session of 1966 (Acts, 1966, p. 256).

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:32 P.M.

Act No. 164 S. 184—Giles, Jackson, Stone, Gilmore, Lolley
AN ACT

To amend Act 833, S. 128 Regular Session 1965 (Acts of Alabama 1965, p. 1564), an act creating the State Employees' Insurance Board so as to increase the employers maximum contribution.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 9 of Act 833 Regular Session 1965 is hereby amended to read:

"Section 9. The State Employees' Insurance Board is hereby authorized to provide, under the contract, or contracts, entered into, under the provisions of this Act, that the cost of such insurance benefit plan for coverage of the employee shall be paid by the employer.

In addition, each employee shall be entitled to have his spouse and dependent children, as defined by the rules and regulations of the Board, included in the coverage provided upon agreeing to pay the costs of such coverage for such dependents. The Board shall adopt regulations governing the discontinuance and resumption by such employees of coverage for dependents.

(1) The employer shall mean the fund from which the salaries of such insured employees are paid. There is hereby appropriated annually from each fund amounts sufficient to provide the employer's cost of the insurance benefit plan. In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the sums required to pay the premium costs of employees of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such department. Provided, however, that not more than the sum of one hundred twenty-four dollars (\$124.00) shall be expended for each employee insured during any one fiscal year.

(2) During any period in which an employee's dependents are covered under this Act, there shall be withheld from the salary payment of such employee the entire premium cost for coverage of such dependents under the terms of any contract, or contracts, entered into in accordance with the provisions of this Act.

(3) There is hereby created in the State Treasury a fund to be known as the State Employee's Insurance Fund. Such fund shall consist of and there shall be deposited into such fund all appropriations made from employer funds, under the provisions of subsection (1) of this Section and all premiums paid by employees under the provisions of sub-section (2) of this Section and any other premiums paid under the provisions of this Act. The Board shall designate a custodian of this fund who shall be authorized to make deposits into and payments therefrom in accordance with contracts entered into by said Board."

Section 2. This Act shall become effective October 1, 1969.

Approved July 10, 1969.

Time: 4:33 P.M.

Act No. 165

S. 230—Turner

AN ACT

To make an additional appropriation to the Division of Forestry of the Department of Conservation for the fiscal year ending September 30, 1969.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated in addition to all other funds heretofore appropriated to the Division of Forestry of the Department of Conservation for the fiscal year ending September 30, 1969, the following:

For salaries	\$ 10,000.00
For other expenses	75,000.00
For equipment purchases	75,000.00
Total	<hr/> \$160,000.00

Section 2. The appropriation set out hereinabove shall be paid from funds in the State Treasury to the credit of the fund known as the State Forestry Fund.

Section 3. This Act shall take effect immediately upon its passage and approval of the Governor or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:35 P.M.

Act No. 166

S. 241—Pierce

AN ACT

To authorize the state comptroller to close out certain inactive funds in the state treasury and transfer the balance in such funds to the state general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The state comptroller is authorized to transfer to the state general fund all sums which have heretofore been carried in special funds on the books and daily balance sheets

of the comptroller, but which have become inactive because all claims against them have been paid, or when requests for payments from such funds have not been made or for any other reasons, and a reasonable time for making such claims has been allowed. When the comptroller transfers the balance in any special fund into the general fund he shall close out such special fund. Whenever in the future any special fund carried on his books becomes inactive, as hereinabove described, the state comptroller is further authorized to transfer the balance in such inactive fund to the state general fund and close out such special fund.

Section 2. The provisions of this act are severable. If any part of the act becomes invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:36 P.M.

Act No. 167

S. 276—Turner

AN ACT

To provide for the payment of compensation of officers, agents and employees of the Department of Public Safety, and to provide for the payment of expenses for subsistence and necessary equipment of the department when such officers, agents or employees shall be called upon by the Governor, or the appointing authority of the department, to perform duties relating to the control of civil disturbances, the restoration or preservation of the public order, or to perform rescue or protective duties at a natural or man-made disaster extending beyond twenty-four hours.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever any officer, agent, or employee of the Department of Public Safety shall be called upon by the Governor, or the appointing authority of said department, to perform a duty or duties, or to be present at or on an alert basis at the scene of, or at any marshalling point for movement to such scene, of any public disorder for the control of civil disturbances, the restoration of the public order; or to perform rescue or protective duties at a natural or man-made disaster which shall extend beyond twenty-four hours; then any law

or laws to the contrary notwithstanding the compensation of such officers, agents or employees of said department, the expenses of subsistence while so engaged at the call of the Governor, or of the appointing authority of said department, may be paid out of the general treasury of the state upon the approval of the Governor, and not from the regular appropriations provided for the organization, maintenance and upkeep of the Department of Public Safety. Warrants for these purposes shall be issued by the comptroller on vouchers or payrolls, as may be required by the governor, certified by the director of Public Safety and approved by the Governor.

Section 2. Should any sections, sentence, paragraph, clause or phrase of this Act be declared to be unconstitutional, such declaration shall not affect the remaining portions thereof.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:37 P.M.

Act No. 168

S. 301—Clark

AN ACT

To amend further Section 3 of Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as heretofore amended, so as to reallocate the revenues derived from the tax authorized by the said Act and to appropriate so much of the said revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000.00 in aggregate principal amount.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as heretofore amended, is hereby amended further to read as follows:

Section 3. All revenues collected under the provisions of this Act shall be paid into the State Treasury and shall be set apart and used for the following purposes only and in the following order:

(a) So much thereof as may be necessary for such purpose is hereby appropriated and shall be used by the State Treasurer to pay at their respective maturities the principal and interest that will mature during the then current fiscal year on all bonds at the time outstanding that may have been issued by the State Industrial Development Authority under the provisions of the

following Acts in the following order: (1) Act No. 662 adopted at the 1965 Regular Session of the Legislature of Alabama; (2) Act No. 231 adopted at the 1967 Regular Session of the Legislature of Alabama; and (3) the Act adopted at the 1969 Regular Session of the Legislature of Alabama that was introduced as Senate Bill No. 302 at the said 1969 Regular Session.

(b) The balance thereafter remaining during each fiscal year shall be paid into a special fund in the State Treasury to be designated the "General and Mental Health Fund," and is hereby appropriated and shall be distributed as follows: (1) sixty percent (60%) of the said balance shall be expended by the State Health Officer, with the approval of the State Board of Health, for salaries, other expenses, and equipment purchases incident to general health work; (2) thirty percent (30%) of the said balance shall be paid to the Board of Trustees of the Alabama State Hospitals to be expended by the said Board of Trustees for such purposes as it may designate for the benefit of the said hospitals; and (3) ten percent (10%) of the said balance shall be paid to the Board of Managers of the Partlow State School to be expended by the said Board of Managers for such purposes as it may designate for the benefit of the said school.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:38 P.M.

Act No. 169

S. 302—Clark

AN ACT

To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$3,000,000.00 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by

the issuance of refunding bonds; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the Special Tax levied by Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as amended, to the extent necessary to pay the principal of and interest on bonds of the Authority, to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the State Treasurer shall be the custodian of the funds of the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provisions of Act No. 662 adopted at the 1965 Regular Session of the Legislature of Alabama, as amended.

“Board of Directors” means the board of directors of the authority.

“Bonds” means the bonds issued under the provisions of this Act.

“Grantee” means a county, municipality or local industrial development board organized as a public corporation in this state, to which a grant of money is made as provided in Section 3 hereof.

“Industrial sites” means land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private corporation.

“Nominal transferee” means any person to whom a grantee transfers one or more industrial sites or any part of any thereof for less than fair market value and any person who derives title to such industrial sites or any part of any thereof through such a transferee.

“Person,” unless limited to a natural person by the context in which it is used, includes a private firm, a private association, a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

“Preparation of industrial sites” means the grading of industrial sites and the means of access thereto, and the draining thereof to prevent the accumulation of excess natural waters thereon.

“State” means the State of Alabama.

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth above shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 2. Authorization to Issue Additional Bonds. In addition to all powers heretofore conferred on it by Act No. 662 adopted at the 1965 Regular Session of the Legislature of Alabama, as amended, or by Act No. 231 adopted at the 1967 Regular Session of the Legislature of Alabama, and in addition to all other powers conferred on it in this Act, the Authority is hereby authorized from time to time to sell and issue its bonds, not exceeding Three Million Dollars (\$3,000,000.00) in aggregate principal amount, for the purpose of making the grants of money authorized in Section 3 hereof, and to anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged.

Section 3. Authorization to Make Grants of Money. In addition to all powers heretofore conferred on it by Act No. 662 adopted at the 1965 Regular Session of the Legislature of Alabama, as amended, or by Act No. 231 adopted at the 1967 Regular Session of the Legislature of Alabama, and in addition to all other powers conferred on it in this Act, the Authority is hereby authorized to make grants of money to counties, municipalities and local industrial development boards organized as public corporations in the state for use by the grantees for: (a) the making of surveys to determine the location of suitable industrial sites in the locality of the grantee; (b) the making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level; (c) the preparation of industrial sites; or (d) any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

Every grant of money made by the Authority, any part of which is made from the proceeds of bonds issued pursuant to the provisions of this Act, shall be made subject to the following terms and conditions, which are hereby declared to be legally enforceable in any court of competent jurisdiction: (1) such grants shall not be in an amount greater than the following stated percentages of the amount that it is anticipated will be spent for the construction and equipment of the facilities that will occupy the said industrial sites, as such anticipated amount shall be certified to the Authority by the architect or engineer for the facilities to be constructed and equipped or by the chief executive

officer of the grantee: projects for which the anticipated cost for the construction and equipment of the facilities that will occupy the said industrial site is One Million Dollars (\$1,000,000) or less—Three Percent (3%); projects for which the anticipated cost for the construction and equipment of the facilities that will occupy the said industrial site is more than One Million Dollars (\$1,000,000) but not greater than Two Million Dollars (\$2,000,000)—Two Percent (2%); projects for which the anticipated cost for the construction and equipment of the facilities that will occupy the said industrial site exceeds Two Million Dollars (\$2,000,000)—One and One-Half Percent (1½%); provided, however, that no grant so made shall exceed One Hundred Fifty Thousand Dollars (\$150,000); and provided further, that in those instances wherein the anticipated cost for the construction and equipment of the facilities that will occupy the said industrial site shall be in excess of Seventy-Five Million Dollars (\$75,000,000), the Authority may, in its discretion, and upon consideration of the benefits to flow to the State of Alabama, authorize a grant of Authority funds up to but not to exceed Five Hundred Thousand Dollars (\$500,000); (2) no part of any such grant or grants shall be used with respect to the preparation of industrial sites in any case where any individual, private association or private corporation has received or is to receive an option to purchase such industrial sites or any part of any thereof from the grantee or any nominal transferee of the grantee for less than the fair market value of such industrial sites; (3) the Authority shall have power to audit the disbursements by the grantee from such grant or grants; and (4) the Authority may specify any appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this paragraph.

Section 4. Details Respecting the Bonds. The bonds of the Authority shall be signed by its president and attested by its secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of the said officers may be printed or otherwise reproduced on any such bonds in lieu of being manually subscribed thereon, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of being manually subscribed thereon. Any bonds of the Authority may be executed and delivered by it at any time and from time to time, and shall be in such form or forms and such denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest, shall be payable at such times and evidenced in such manner, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolu-

tion of the board of directors of the Authority under which such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than twenty years after its date. Any bond of the Authority may be made subject to redemption at the option of the Authority at such times and after such notice and on such conditions and at such redemption price or prices as may be provided in the resolution under which it is authorized to be issued; provided, that those bonds of the Authority having specified maturity dates more than ten years after their date shall be made subject to redemption at the option of the Authority not later than the end of the tenth year after their date, and on any interest payment date thereafter, under such terms and conditions and at such redemption price or prices as may be provided in the resolution under which such bonds are authorized to be issued. Bonds of the Authority may be sold from time to time as the board of directors of the Authority may consider advantageous, but bonds of the Authority must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed from their date to their respective maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a daily newspaper customarily published in the State of Alabama not less than five days during each calendar week, each of which notices must be published at least one time not less than ten days before the date fixed for the sale. The board of directors of the Authority may fix the terms and conditions under which such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this Act. Subject to the provisions and limitations contained in this Act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority then outstanding. Such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled. The Authority may pay out of the proceeds of the sale of its bonds attorneys' fees and the expenses of issuance which the said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. No fiscal agents' fees shall be paid in connection with the issuance or sale of any bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in Section 6 hereof. As security for the payment of the principal of and interest on the bonds issued by it, the Authority is hereby au-

thorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in Section 6 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges; provided, that each pledge for the benefit of refunding bonds shall have the same priority as the pledge for the benefit of the bonds refunded thereby. All contracts made and all bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State of Alabama. All bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the state. Any bonds issued by the Authority may be used by the holder thereof as security for any funds belonging to the state, or to any political subdivision, instrumentality or agency of the state, in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the Authority. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of bonds by the Authority. The bonds issued under the provisions of this Act shall be legal investments for funds of the "Teachers' Retirement System of Alabama," the "Employees' Retirement System of Alabama," and the State Insurance Fund.

Section 5. Deposit and Investment of and Disbursements from Bond Proceeds. The proceeds of all bonds, other than refunding bonds, issued by the Authority remaining after paying expenses of their issuance shall be deposited in the State Treasury, and shall be carried in the State Treasury in a special or separate account. Such funds shall be subject to be drawn upon by the Authority, but any funds so withdrawn shall be used solely for the purposes for which the bonds were issued as authorized in this Act.

The State Treasurer, with the approval of the president of the Authority, shall invest funds not needed within the ensuing thirty days for any purpose for which they are held, which investments shall be made in the manner authorized and provided for in Act No. 66 adopted at the 1945 Regular Session of the Legislature of Alabama.

The proceeds from the sale of any refunding bonds issued hereunder remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the prin-

principal of outstanding bonds of the Authority and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded.

Section 6. Revenues of the Authority. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on any bonds issued by it under the provisions of this Act and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose and there is hereby appropriated so much as may be necessary for such purpose of the residue of the receipts from the tax levied by Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, after there shall have been taken therefrom the amount necessary for the purposes specified in Sections 3(a) and 3(b) of the said Act No. 654, as last amended by the Act adopted at the 1969 Regular Session of the Legislature of Alabama that was introduced as **Senate Bill No. 301** at the said 1969 regular session. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the bonds herein authorized.

Section 7. Disbursement of Funds. Out of the revenues appropriated and pledged in Section 6 hereof, the State Treasurer is hereby authorized and directed to pay the principal of and interest on the bonds issued by the Authority under the provisions of this Act, as the said principal and interest shall respectively mature, and the State Treasurer is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 8. Severability Clause. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 9. Effective Date. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved July 10, 1969.

Time: 4:40 P.M.

Act No. 170

S. 307—Pierce

AN ACT

Relating to state employment; providing for payment of certain expenses of job transference.

Be It Enacted by the Legislature of Alabama:

Section 1. A permanent employee of the State who moves from one community within the state to another by reason of transfer of job operation shall be entitled to receive reimbursement for his actual expenses, not to exceed five hundred dollars (\$500.00), incurred in moving his household goods whenever such transfer is made at the request of the employing State department or agency. Such expense shall not be allowed when the transfer is made at the request of the employee.

Section 2. The Chief Executive Officer of the State department or agency is authorized to promulgate rules and regulations necessary to determine the eligibility of the employee for reimbursement of actual moving expenses, and the amount to be paid, not to exceed the sum of \$500.00. Such rules and regulations may be amended, supplemented or changed at the discretion of the Chief Executive Officer of the State department or agency in keeping with the needs of his department. Such reimbursement may be made upon approval by the head of the State department or agency after the employee has been notified that his State department or agency is requiring his move; and after the head of his State department or agency has determined that such employee is eligible for reimbursement under the established rules and regulations of his particular department; and after submission of such evidence by the employee to the head of his State department or agency of cost as may be required by the rules and regulations established. Such moving cost paid to the employee hereunder shall be paid out of the same fund of each such department or agency as payment for salaries and cost of administering the department or agency are paid.

Section 3. The State shall not be held liable for any damages to person or property that may result from such moving of household goods.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:41 P.M.

Act No. 171 S. 364—Messrs. Goodwyn, Pierce and Engel
AN ACT

To provide for and regulate salaries payable to certain state officers and employees in state service, further amending Code of Alabama 1940, Title 41, Section 152, and repealing laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 50 (S. 22) Special Session 1967 (Acts 1967, v. 1, p. 87), entitled "An Act To provide for and regulate salaries payable to certain state officers and employees in state service, further amending Code of Alabama 1940, Title 41, Section 152, and repealing laws in conflict herewith," is amended to read as follows:

"Section 1. Title 41, Section 152, Code of Alabama 1940, as last amended by Act No. 661, Acts of 1965, v. 2, p. 1185, is further amended to read as follows:

'The State Personnel Board, with the approval of the Governor, shall provide in the pay plan of the merit system for the salaries of employees in the classified and unclassified service of the state, in accordance with the procedure and in consideration of the factors set forth in Title 55, Section 304, Code of Alabama, 1940.'

"Section 2. Unless otherwise fixed by law, the salaries of appointed department heads and other officers and employees appointed in the exempt service, the executive assistants in the Governor's office and assistant department heads shall be fixed by the Governor at an amount not to exceed \$19,800 per annum; provided that where some other authority than the Governor appoints such an officer or employee, the salary shall be fixed by the appointing authority with the approval of the Governor and the State Personnel Board. In fixing such salaries the Governor or other appointing authority shall give due consideration to the salaries of comparable positions in other states and in private industry in Alabama.

"Section 3. The provisions of this act shall not apply to the salary of the State Health Officer as fixed by Title 22, Section 9, Code of Alabama 1940; nor the salary of the State Mental Health Officer as fixed by Title 22, Section 321, Code of Alabama 1940; nor to the salary of the Director of Industrial Relations as provided for in Section 2 of Title 26, Code of Alabama 1940; nor to the salary of the Chief Examiner of Public Accounts as fixed by Title 41, Section 152 (4), Code of Alabama 1940; nor the salary of the state Budget Officer, as set by Act No. 758 of the 1967 Regular Session.

"Section 4. The salaries fixed under this Act shall be paid at the same time, in the same manner and out of the same funds

from which the salaries heretofore provided by law for such officers was paid, and the amounts necessary to pay the salaries fixed under this Act are appropriated out of such funds for this purpose.

"Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 6. All laws or parts of laws, local, special, or general, in conflict with the provisions of this act are hereby repealed; this includes specifically Act No. 253, page 643 of the Regular Session of the 1967 Legislature, Title 41, Sections 152 (1), 152 (2), 152 (3), 152 (4), except that portion relating to the Chief Examiner of Public Accounts, and 152 (5), Code of Alabama 1940, as amended; Title 23, Sections 8 (1a), 8 (2) and 9 (2), as amended, Code of Alabama 1940, insofar as they relate to the salaries of the Director, Assistant Director and Chief Engineer of the State Highway Department; and Title 26, Section 27 (1), Code of Alabama 1940, which relates to the salary of the Assistant Director of the Department of Industrial Relations; provided, however, that Section 25 of Title 26 shall not be repealed and shall remain in full force and effect.

"Section 7. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon otherwise becoming a law; provided, that should there be a statutory or constitutional prohibition preventing any of these public officers named in this Act from receiving the prescribed compensation as of such date, the provisions of the Act shall become effective as to them immediately following the date upon which such prohibition expires."

Approved July 10, 1969.

Time: 4:43 P.M.

Act No. 172

S. 365—Pierce, Radney, Torbert, Lindsey,
Engel, Goodwyn

AN ACT

To provide a cost of living increase to certain retired members of the Employees' Retirement System of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. On or after October 1, 1969 there is hereby provided to any State Employee who is receiving a retirement allowance from the Employees' Retirement System of Alabama, and who was retired prior to October 1, 1969, an increase in his (her) maximum retirement allowance in the amount of ten per cent (10%), excluding those whose monthly retirement allow-

ance is as much as \$400.00 and that such increase shall be limited so as to provide not to exceed a maximum retirement allowance of \$400.00 per month.

Section 2. On or after October 1, 1969 there is hereby provided to any employee who was retired prior to October 1, 1969 as an employee participating in the Employees' Retirement System of Alabama under the provisions of Section 12 of Act #515 of the 1945 Legislature, as amended, an increase in his (her) maximum retirement allowance in the amount of ten per cent (10%), excluding those whose maximum retirement allowance is as much as \$400.00 per month and that such increase shall be limited so as to provide not to exceed a maximum retirement allowance of \$400.00 per month. The Employer participating under said Section 12 as described above shall provide the funds necessary to pay the increase in retirement allowances as described herein.

Section 3. The Board of Control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the Chief Fiscal Officer of each employer the per centum rates of earnable compensation of the members required to be paid to the Retirement System. The employer's payment on account of the increases provided in Section 1 of this Act shall be paid in the same manner and from the same source of funds as is provided in Section 8 of Act #515 of the 1945 Legislature, as amended, it being the intent of the Legislature that the costs of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

Section 4. Appropriation. There is hereby appropriated annually from the funds from which salaries are paid the amounts sufficient to carry out the provisions of Section 1 of this Act. In the case of those departments supported wholly by transfers from other State funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the employer contribution of each department so supported in the same proportion as the other State funds contribute to the support and maintenance of such department.

Section 5. The Board of Control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances as provided under Section 2 of this Act and shall notify each employer the amount required to be paid to the Employees' Retirement System. Such amounts shall be paid monthly, or as designated by the Board of Control, to the Employees' Retirement System of Alabama by the Employer providing such increases under Section 2 of this Act.

Section 6. The Board of Control of the Employees' Retirement System of Alabama shall administer all the benefits provided by this Act under such rules and regulations as the said Board of Control may adopt, not inconsistent herewith.

Section 7. This Act shall take effect October 1, 1969.

Approved July 10, 1969.

Time: 4:45 P.M.

Act No. 173

S. 366—Pierce, Radney, Torbert, Lindsey,
Engel, Goodwyn

AN ACT

To amend Sections 3, 5, 7 and 8 of Act No. 515, HB 93, approved July 9, 1945, (General Acts 1945, Page 734) as amended, which relates to the Employees' Retirement System of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 515, HB 93, approved July 9, 1945, (General Acts 1945, Page 734) as amended, be and is hereby amended to read as follows:

Section 3. **MEMBERSHIP.** The membership of the retirement system shall be composed as follows: (1) All persons who shall become employees after the date of establishment shall become members of the retirement system as a condition of their employment, except that on and after October 1, 1963 no person who has attained age sixty-one shall become a member of the retirement system unless such person shall previously have been a member of this system or of the Teachers' Retirement System of Alabama. (2) Any person who is an employee on the date of establishment shall become a member as of that date unless within a period of ninety days next following, such employee shall file with the Board of Control on a form prescribed by the board a notice of his election not to be covered in the membership of the system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his membership in the retirement system. (3) An employee whose membership in the retirement system is contingent on his own election and who elects not to become a member, may thereafter apply for and be admitted to membership with all prior service credit as otherwise provided for in this act by applying for such membership at any time prior to July 1, 1962, provided said employee pays to the treasurer of the said retirement system on or before July 1, 1962, a sum equal to the total contributions which he would have

made as a member during the period of his service as an employee from October 1, 1945 to the date of his application for membership. Any member or retired employee who at one time worked as a non-member may now receive credit for prior service and for the years worked as a non-member provided said member or retired employee pays to the treasurer of the retirement system on or before July 1, 1962, a sum equal to the total contributions which he would have made as a member during the period of his employment from October 1, 1945, to the date he become a member. (3½) All County Engineers of the several Counties of the State in whose salaries the State Highway Department participates, except County Engineers who are already members of this retirement system under provisions of this Act or who are covered under the provisions of a county Retirement System supported by funds of the employing county. The effective date for the inclusion of County Engineers in the system shall be October 1, 1964. Membership in the retirement system shall be optional for County Engineers employed on the date participation becomes effective, and any County Engineer who elects to enroll in the retirement system within one year thereafter may be admitted to membership with all prior service credit and all membership service credit provided said County Engineer pays to the treasurer of the retirement system at the time he enrolls, a sum equal to the total employee contributions and interest he would have had to his credit had he been a member during the period of his service as County Engineer from October 1, 1945, to the date of his application for membership. Should a County Engineer employed on the date participation becomes effective elect to enroll as a member without paying such prior membership contributions and interest he may become a member without credit for service prior to date of his enrollment. Membership shall be compulsory for all County Engineers who are eligible for such membership upon entering service as a County Engineer after the date participation becomes effective to the extent of the State Highway Department's participation in his salary. (4) The Board of Control may in its discretion, deny the right to become members to any class of employees whose compensation is only partly paid by the state, except as provided in this act. (5) (a) Should any member in any period of six consecutive years after becoming a member be absent from service more than five years, or withdraw his contributions, as provided in Subsection (6) (a) of Section 5, or retire or die, he shall thereupon cease to be a member; provided that the Board of Control may continue the membership of a member entering directly into the armed forces of the United States, if he does not withdraw his contributions as provided in Subsection (6) (a) of Section 5 of this Act. (b) Anything in this act to the con-

trary notwithstanding, if any member enters directly into the armed forces of the United States and does not withdraw his contributions as provided in Subsection (6) (a) of Section 5 of this Act, and if he returns to service as an employee within one year after having been honorably discharged from the armed forces, membership service credit may be granted by the Board of Control for the period of such service in the armed forces, provided that upon his subsequent return to service as an employee he elects to make up his contributions for the period of his service in the armed forces by authorizing, in writing, special contributions to be deducted from his salary in such amounts as will make up contributions before the end of a period equal to the length of his service in the armed forces or before the attainment of age sixty, or in the case of a state policeman age fifty-six, whichever occurs first, on the basis of his rate of earnable compensation at the time his service in the armed forces commenced, provided that effective October 1, 1963 such members cannot receive credits for more than four years of military service. (c) Any employee who entered directly into the armed forces of the United States before the date of establishment and who returns to service within one year after having been honorably discharged from the armed forces and who elects to become a member within ninety days thereafter may be deemed by the Board of Control to be a member at establishment and to be entitled to credit for prior service and for service in the armed forces after the date of establishment, under the same conditions as credit for membership service is allowed members entering into the armed forces after the date of establishment. (d) No benefit under the retirement system other than the return of contributions as provided in Subsection (6) (a) of Section 5 of this Act shall become payable to or on account of any member while he is not in service as an employee, unless the member withdraws from service after reaching age sixty, or, in the case of a state policeman, after reaching age fifty-six. Anything in this act to the contrary notwithstanding, any member who has completed fifteen years of creditable service or who has completed ten years of creditable service and has attained age fifty-five at the time of his withdrawal from service shall be eligible to continue in the membership of the system until he files application for service retirement in accordance with the provisions of Subsection (1) of Section 5 of this Act.

Section 2. That Section 5 of Act No. 515, HB 93, approved July 9, 1945 (General Acts 1945, Page 734) as amended, be and is hereby amended to read as follows:

Section 5. BENEFITS. (1) **Service Retirement Benefit**
(a) Any member who withdraws from service upon or after

attainment of age sixty may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that any such member who became a member on or after October 1, 1963 shall have completed ten or more years of creditable service. Provided further that a member employed as a state policeman shall be eligible to file application for service retirement upon attaining age fifty-six. (b) Any member who has attained age sixty, or age fifty-six in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired provided that the said member shall have completed fifteen years of creditable service or shall have completed ten years of creditable service and shall have attained age fifty-five at the time of his withdrawal from service. (c) Any employee who attains age seventy shall be retired, or shall withdraw from service, forthwith except that any employee may be continued in the State service from year to year on his application approved by the Personnel Board, if evidence of physical and mental fitness is furnished. It is further provided that any official appointed for a term of years may remain in service until the end of the term of office for which he was appointed. Any officer or employee of the legislature who has attained age seventy shall not be compelled to retire at age seventy, but may continue in service until his retirement is ordered by the house of which he is an officer or employee; and that house shall be the sole judge of his qualifications to continue in such service. Nothing in this Act shall require the dismissal of any person seventy years old or over who fails to join the retirement system within the time specified in this act, if such person was in the employ of the State on June 1, 1945. (d) Notwithstanding the provisions of this section to the contrary, any law enforcement employee in the Department of Conservation who has attained age sixty-five shall be retired forthwith. (e) Notwithstanding the provisions of this section to the contrary, any state policeman who has attained age sixty shall be retired forthwith; provided that any state policeman who attains age sixty may be continued in the State service from year to year on application of said employee approved by the Personnel Board, if evidence of physical or mental fitness to carry out his duties is furnished.

(2) Allowance for Service Retirement. Upon retirement from service a member shall receive a service retirement allowance which shall consist of (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, except that in the case of a state policeman, who

has completed twenty years of creditable service as a state policeman, who retires after age fifty-six but prior to age sixty, the annuity shall be equal to the annuity that would have been payable upon service retirement at age sixty had the member continued in service to said age sixty without change in compensation; and (b) A pension which shall be equal to the annuity allowable at the age of retirement, but not to exceed an annuity allowable at age sixty-five, computed on the basis of contributions made prior to attainment of age sixty-five, except that in the case of a state policeman who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six, but prior to age sixty, the pension shall be equal to the annuity that he would receive had he contributed to age sixty without change in compensation; and (c) If he has a prior service certificate in full force and effect, an additional pension shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder, except that in case of a state policeman who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six but prior to age sixty, an additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at age sixty, but not to exceed an annuity allowable at age sixty by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of a member that was received during such prior service, the Board of Control may use for the purposes of this chapter the compensation rate which, if it had progressed with the rates of salary increase shown in the tables as prescribed in Section 6, Subsection (14) of this Act, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received. (d) The annual service retirement pension payable to a member not employed as a state policeman retiring on or after October 1, 1969, shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (i) One and one-half per centum of the member's average final compensation multiplied by the number of years of his creditable service, provided that no member shall receive in excess of (80) eighty per centum of average final compensation except as otherwise provided by the Legislature; or (ii) if he became a member before October 1, 1965, \$72.00 multiplied by the number

of years of his creditable service not in excess of twenty-five years. The annual service retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1969, shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (iii) Two and one fourth per centum of the member's average final compensation multiplied by the number of years of his creditable service, provided that no state policeman member shall receive in excess of (80) eighty per centum of average final compensation except as otherwise provided by the Legislature, or (iv) if he became a member before October 1, 1965, \$86.40 multiplied by the number of years of his creditable service not in excess of 25 years; provided, however that if such member has completed twenty years of creditable service as a state policeman and has not attained age sixty at the time of retirement said pension shall be determined as hereinbefore provided on the basis of the number of years of creditable service which he would have had if he had remained in service to age sixty. Anything herein to the contrary notwithstanding, in the application of the foregoing provisions of this paragraph to a member whose creditable service includes a period of service as a state policeman and a period of service in another employment classification, the foregoing benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman and the foregoing benefit rates applicable to a member not employed as a state policeman shall apply to all other creditable service, but in all other respects the pension under this paragraph shall be determined on the basis of the member's employment classification at the time of his withdrawal from service. (e) The annual service retirement pension payable to any state employee who had attained age 60 on or before October 1, 1945 who declined membership in the Employees' Retirement System of Alabama in the manner prescribed in Section 3 and who retires as a state employee after completing a minimum of fifteen years' service shall be \$72.00 multiplied by the number of years of his service not in excess of twenty-five years. (3) Disability Retirement Benefit. (a) Upon application of a member in service, or of his employer, any member who has had ten or more years of creditable service, who becomes disabled may be retired on a disability retirement allowance by the Board of Control not less than thirty nor more than ninety days next following the date of filing of such application, provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (b) Provided further that without regard to the num-

ber of years of creditable service a member employed as a state policeman, who as a result of his employment, in line of duty and not as a result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform his duties or duties of a less strenuous nature, as an employee of the State of Alabama or as an employee or an employer participating under the provisions of Section 12 of this Act, shall be retired on a disability retirement allowance, not less than thirty nor more than ninety days next following the date of filing of such application, provided that the Medical Board, after a medical examination of such member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (4) Allowance on Disability Retirement. Upon retirement for disability a member shall receive a service retirement allowance if he has attained age sixty, or, in the case of a State policeman if he has attained age fifty-six; otherwise he shall receive a disability retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and (b) A pension which shall be equal to the pension that would have been payable under paragraph (b) and (c) of Subsection (2) of this Section upon service retirement at age sixty-five had the member continued in service to said age without change in compensation, reduced by one-fourth of one per centum for each month of retirement prior to age 65, to a maximum reduction of twenty-five per centum. The annual disability retirement pension payable to a member not employed as a State policeman retiring on or after October 1, 1969, shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (i) One and one half per centum of the member's average final compensation multiplied by the number of years of creditable service reduced by one-fourth of one per centum for each month by which his date of retirement precedes his sixty-fifth birthday to a maximum reduction of twenty-five per centum, or (ii) if he became a member before October 1, 1965, \$54.00 multiplied by the number of years of his creditable service not in excess of 25 years. The annual disability retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1969, shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (iii) One and eleven-sixteenths per centum of the member's average final compensation multiplied by the number of years of his creditable service; or (iv) if he became a member before October 1, 1965, \$64.80 multiplied by the number of years of his creditable service not in excess of twenty-five years. Any-

thing herein to the contrary notwithstanding, in the application of the foregoing provisions of this paragraph to a member whose creditable service includes a period of service as a state policeman and a period of service in another employment classification, the foregoing benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman and the foregoing benefit rates applicable to a member not employed as a state policeman shall apply to all other creditable service, but in all other respects the pension under this paragraph shall be determined on the basis of the member's employment classification at the time of his withdrawal from service. (5) Re-Examination of Beneficial Retired on Account of Disability. Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the Board of Control may, and upon his application shall, require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of such beneficiary, or other place mutually agreed upon, by a physician of physicians or designated by the Medical Board. Should any disability beneficiary who has not yet attained age sixty refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year all his rights in and to his pension may be revoked by the Board of Control; provided that these requirements relative to the medical examination shall not apply in the case of a state policeman retired for disability and who has attained age fifty-six. Should the Medical Board report and certify to the Board of Control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the Board of Control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary, together with this annuity, exceeds the amount of his average final compensation. (6) Return of Contributions. (a) Should a member cease to be an employee except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations

standing to the credit of his individual account if he shall have not less than three but less than sixteen years of membership service, six-tenths of such interest accumulations if he shall have not less than sixteen but less than twenty-one years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service, and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service. (b) In case of the death of a member eligible for service retirement pursuant to Subsection (1) of this section, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired immediately prior to his death and had elected Option 3, as set forth in Subsection (7) of this section; or (c) In case of the death of a member not eligible for service retirement, after completion of twenty-five years of creditable service, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired for disability immediately prior to his death and had elected Option 3, as set forth in Subsection (7) of this section, or if the surviving spouse desires he may choose to receive the accumulated contributions of the member in lieu of the allowance provided under Option 3 plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00; or (d) Upon the death of a member on account of whom no survivor allowance is payable under (b) or (c) above the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Control. (7) Option Allowances. With the provision that no election of an option shall be effective until the end of the month following the effective date of retirement and that should a beneficiary die before his first benefit payment is due at the end of the month following the effective date of retirement, he shall be considered as an active member at the time of his death, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent, at that time, of his retirement allowance in a reduced retirement allowance payable throughout life with the provisions that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged

and filed with the Board of Control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the Board of Control. (8) Return to Active Service. (a) Should any beneficiary be restored to active service from service retirement, or from disability retirement on or after attainment of age fifty, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member of the retirement system, nor shall he make contributions except that should such beneficiary who has been restored to active service continue in service for a period of five or more years from the date of his reentry into active service, he may request the Board of Control to allow him to again become a member of the retirement system. The Board of Control may grant the request for restoration to membership provided such beneficiary whose retirement allowance has been suspended repays to the system all monies received by him as benefits during any periods subsequent to the date of his re-entry into active service and provided further that he makes a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made. (b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty, he shall again become a member of the retirement system and shall make contributions. (9) (a) All retirement allowance payments due on or after October 1, 1969 to members who retired prior to said date shall be redetermined as if the provisions of Subsections (2) and (4) of this section which became effective on said date were in effect at the time the member retired, provided that the annual retirement allowance of any member not employed as a state policeman who retired on or before January 1, 1956 shall not be less than \$79.20 multiplied by the number of years of his creditable service not in excess of thirty years, in the case of service retirement, or \$59.40 multiplied by the number of years of his creditable service not in excess of thirty years, in the case of disability retirement. Any increase provided in the retirement allowance payment under this Subsection (9) for a

member who retired under the provisions of any optional benefit elected pursuant to Subsection (7) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this Subsection (9). (b) Any person who, prior to October 1, 1963 was in receipt of a benefit pursuant to Act No. 376, approved November 6, 1959, but was not a member of the system at the time of retirement, shall be entitled to receive an annual retirement allowance from the system, effective October 1, 1969 as follows: (i) If such person was retired on or before January 1, 1956, an amount equal to \$79.20 multiplied by the number of years of his creditable service not in excess of thirty years. (ii) If such person was retired after January 1, 1956, an amount equal to \$72.00 multiplied by the number of years of his creditable service not in excess of twenty-five years. (c) Prior to October 31, 1969 any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with paragraph (a) or (b) of this subsection over the monthly allowance which he was receiving prior to October 1, 1969. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representatives or to such person as he shall have nominated by written designation duly acknowledged and filed with the Board of Control.

Section 3. That Section 7 of Act No. 515, HB 93, approved July 9, 1945, (General Acts 1945, Page 734) as amended, be and is hereby amended to read as follows:

Section 7. MANAGEMENT OF FUNDS. (1) (a) The Board of Control shall be the trustees of the several Funds of the Employees' Retirement System created by this Act as provided in Section 8 of this Act, and shall have full power to invest and reinvest such Funds, through its Secretary-Treasurer in such classes of bonds, mortgages, common and preferred stocks, shares of investment companies or mutual funds, or other investments, as the Board of Control may from time to time approve, subject to all the terms conditions, limitations and restrictions imposed by the laws of Alabama upon domestic life insurance companies in the making of their investment; and subject to like terms, conditions, limitations and restrictions the Board of Control through its Secretary-Treasurer, shall have full power to hold, purchase, sell, assign, transfer and dis-

pose of any such investments in which such Funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to such funds. No purchase of stocks or other so-called equity securities shall be made for such Funds which shall cause the total of such stocks or equity securities held in such Funds at any one time to exceed 20% of the total book value of all investments held in such Funds. (b) The Secretary-Treasurer shall have the authority and it shall be his duty to carry out the investment policies fixed by the Board of Control, and pursuant thereto he shall examine all offers of investments made to such Funds, shall initiate inquiries as to available investments therefor, shall review periodically the investment quality and desirability of retention of investments held, and shall from time to time make such purchases and sales of investments as he shall deem to the best interests of such Funds and as the Investment Committee hereinafter provided for, and as the consultant to the Secretary-Treasurer, if any, appointed by the Board of Control hereunder, to the extent of the purpose for which it is appointed, shall approve. (c) The Board of Control shall appoint an Investment Committee which shall consist of three members of the Board, one of whom shall be the Director of Finance. The Investment Committee shall consider all investment recommendations made by the Secretary-Treasurer and shall either approve or disapprove the same. The Investment Committee may act through the affirmative vote of any two of its members. Approvals may be secured informally in advance but shall in any event be confirmed by written authorization to be attached to the invoice for the transaction. (d) The Board of Control may appoint and employ as consultant to the Secretary-Treasurer, in the purchase, sale and review of investments of said funds, to such extent as the Board may designate, a bank having its principal office in the State of Alabama, having capital, surplus and undivided profits of not less than Three Million Dollars, and having an organized investment department. The bank so appointed shall not sell securities to the Retirement System, other than U. S. Government securities for which no commission shall be charged. (e) The Secretary-Treasurer shall report to the Board of Control all purchases and sales of investments made by him pursuant hereto at least once semi-annually. (2) The Board of Control shall allow annually regular interest on the mean amount for the preceding year in each of the funds, with the exception of the Expense Fund. The amounts so allowed shall be due and payable to said funds, and shall be credited annually thereto by the Board of Control from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid from

the Pension Accumulation Fund, and any excess of earnings over such amount required shall be paid to the Pension Accumulation Fund. Regular interest shall mean such per centum rate or rates to be compounded annually as shall be set from time to time by the Board of Control such rate or rates to be limited to a minimum of three per centum and a maximum of four and one-half per centum." (3) Funds accruing to the Annuity savings fund, the annuity reserve fund, the pension accumulation fund and the pension reserve fund shall be certified by the Secretary-Treasurer for deposit in the state treasury to the credit of the Employees' Retirement System. All moneys provided in accordance with the provisions of this act for administrative expenses shall be certified for deposit in the state treasury to the credit of the Employees' Retirement System Expense Fund. All payments from said funds shall be made by the State Treasurer on warrants drawn by the State Comptroller upon vouchers signed by two persons designated by the Board of Control. A duly attested copy of a resolution of the Board of Control designating such persons and bearing on its face specimen signatures of such persons shall be filed with the State Comptroller as his authority for drawing warrants upon such voucher. (4) Except as otherwise herein provided, no member of the Board of Control and no employee of the Board shall have any direct interest in the gains or profits of any investment made by the Board, nor as such receive any pay or emolument for his services. No member or employee of the Board of Control shall, directly or indirectly, for himself or as an agent, in any manner use the same, except to make such current and necessary payments as are authorized by the Board; nor shall any member or employee of the Board of Control become an endorser or surety or in any manner an obligor for moneys loaned to or borrowed from the Board.

Section 4. That Section 8 of Act No. 515, HB 93, approved July 9, 1945 (General Acts 1945, Page 734) as amended, be and is hereby amended to read as follows:

Section 8. METHOD OF FINANCING. All the assets of the retirement system shall be credited according to the purpose for which they are held among five funds, namely, the Annuity Savings Fund, the Annuity Reserve Fund, the Pension Accumulation Fund, the Pension Reserve Fund and the Expense Fund. (1) Annuity Savings Fund. (a) The annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Contributions to and payments from the annuity savings fund shall be made as follows: (b) Effective October 1, 1965, each employer shall cause to be deducted from the salary of each member on each and every pay-

roll of such employer for each and every payroll period four per centum of his earnable compensation, except that in the case of a state policeman, the rate of eight per centum of earnable compensation shall apply, and in computing all retirement benefits it shall be assumed that a seven per centum rate of contribution had applied with respect to service as a state policeman prior to July 1, 1957. In determining the amount earnable by a member in a payroll period, the Board of Control may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing through such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deductions required of any member by such an amount as shall not exceed one-tenth of one per centum of the annual compensation upon the basis of which such deductions are made. (c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deduction made and provided for herein and shall receipt for his full salary or compensation; and payment of salary or compensation less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this act. The employer shall certify to the Board of Control on each and every payroll or in such other manner as the Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted and when deducted shall be paid into the Annuity Savings Fund, and shall be credited, together with regular interest thereon to the individual account of the member from whose compensation said deduction was made. (d) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the Board of Control, any member may deposit in the Annuity Savings Fund by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity which, together with his prospective retirement allowance, will provide for him a total retirement allowance not to exceed one-half of his average final compensation at age sixty. Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of retirement, when they shall be treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value and shall not be considered in computing his pension. The contributions and interest credits

of a member withdrawn by him, or paid to his estate or to his designated beneficiary in event of his death, shall be paid from the Annuity Savings Fund. Should a member cease to be a member other than by retirement under the provisions of this act, an amount equivalent to the difference, if any, between his accumulated contributions and the amount then paid shall be transferred to the Expense Fund. Upon the retirement of a member or the death of an eligible member where an allowance to a surviving spouse is payable his accumulated contributions shall be transferred from the Annuity Savings Fund to the Annuity Reserve Fund. (e) Notwithstanding the preceding provisions, no deductions shall be made from any member's salary on account of which the employer's contributions is in default. (2) Annuity Reserve Fund. The Annuity Reserve Fund shall be the fund in which shall be held the reserves on all annuities in force and from which shall be paid all annuities and all benefits in lieu of annuities. Should a beneficiary again become a member of the retirement system, his annuity reserve shall be transferred from the Annuity Reserve Fund to the Annuity Savings Fund and credited to his individual account therein. Should a beneficiary again become an employee of the State his annuity reserve may be transferred from the Annuity Reserve Fund to the Annuity Savings Fund and credited to his individual account therein. (3) Pension Accumulation Fund. (a) The Pension Accumulation Fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions, all allowances granted to surviving spouses and other benefits payable from contributions made by the employer and from which shall be paid all pensions, all allowances granted to surviving spouses and other benefits on account of members with prior service credit. Contributions to and payments from the Pension Accumulation Fund shall be made as follows: (b) On account of each member there shall be paid monthly by the employer an amount equal to a certain percentage of the earnable compensation of each member to be known as the "normal contribution" and an additional amount equal to a percentage of his earnable compensation to be known as the "accrued liability contribution" and these two amounts shall be paid monthly into the Pension Accumulation Fund provided that in the case of a state policeman, such percentage rates of contribution shall be calculated separately. The rate per centums of such contributions shall be fixed for each fiscal year on the basis of the liabilities of the retirement system as shown by the last annual actuarial valuation, and such rate per centums as established by such valuation shall take effect the following October first and continue in effect for the fiscal year. (c) On the basis of regular interest and of such mortality and other tables as shall be adopted by the Board of Control

the actuary engaged by the board to make such valuation required by this act during the period over which the accrued liability contribution is payable shall, immediately after making such valuation, determine the uniform and constant percentage of the earnable compensation of the average new entrant which, if contributed on the basis of his compensation throughout his entire period of active service, would be sufficient to provide for the payment of any pension payable on his account. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability contribution has ceased to be payable the normal contribution rate shall be the rate per centum of the earnable compensation of all members obtained by deducting from the total liabilities of the Pension Accumulation Fund the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum of the present value of the prospective future total earnable compensation of all members as computed on the basis of regular interest and the mortality and service tables adopted by the Board of Control. The normal rate of contributions shall be determined by the Actuary after each valuation. (d) The accrued liability contribution rate shall be computed by the Actuary on the basis of the valuation as of March 31, 1966 as the rate per centum of the total annual compensation of all members which is equivalent to four per centum of the total liabilities of the Pension Accumulation Fund, based on the benefit provisions of this act which are effective as of October 1, 1965, which are not dischargeable by the sum of the funds standing to the credit of said fund and the present value of the aforesaid normal contributions. The special accrued liability contribution rate payable by any employer whose participation in the retirement system under Section 12 becomes effective on or after October 1, 1969 shall be determined as the rate per centum of the total annual compensation of the employees of such employer who are members of the retirement system which is equivalent to four and one-half per centum of the total liabilities on their account which are not dischargeable by the sum of any funds to the credit of such employer and the present value of the aforesaid normal contributions on account of such members. (e) The total amount payable in each year to the Pension Accumulation Fund shall be not less than the sum of the rates per centum known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year; provided, however, that the aggregate accrued liability contribution by the employer for any fiscal year commencing on or after October 1, 1966 shall be at least three per centum greater than the accrued liability contribution for the preceding fiscal year. (f) The accrued liability contribution shall be discon-

tinued as soon as the accumulated reserve in the Pension Accumulation Fund shall equal the present value, as actuarially computed and approved by the Board of Control of the total liability of such fund less the present value, computed on the basis of the normal contribution rate then in force, of the prospective normal contributions to be received on account of all persons who are at the time members. (g) All interest and dividends earned on the funds of the retirement system shall be credited to the Pension Accumulation Fund. The amounts needed to allow a regular interest on the reserves in the Annuity Savings Fund, the Annuity Reserve Fund, and the Pension Reserve Fund, shall be transferred in accordance with this act to the respective funds from the Pension Accumulation Fund. The Board of Control, in its discretion, may transfer to and from the Pension Accumulation Fund the amounts of any surplus or deficit which may develop in the Annuity Savings Fund, the Annuity Reserve Fund, the Pension Reserve Fund, or the Expense Fund. (h) All pensions and benefits in lieu thereof, with the exception of those payable on account of members who receive no prior service allowance, payable from contributions of employers shall be paid from the Pension Accumulation Fund. (i) Upon retirement of a member not entitled to credit for prior service or the death of an eligible member not entitled to credit for prior service where an allowance to the surviving spouse is payable an amount equal to his pension reserve shall be transferred from the Pension Accumulation Fund to the Pension Reserve Fund. (j) Upon the death of a member on account of whom no survivor allowance is payable under Section 5, Subsection 6 (b) and (c) the death benefit as provided in (d) equal to the accumulated contributions not to exceed \$5,000.00 shall be payable from the Pension Accumulation Fund. (4) Pension Reserve Fund. The Pension Reserve Fund shall be the fund in which shall be held the reserves on all pensions and benefits in lieu thereof granted to members not entitled to credit for prior service, and all allowances granted to surviving spouses and from which such pensions, benefits and allowances to surviving spouses shall be paid. Should such a beneficiary retired on account of disability again become a member of the retirement system, his pension reserve shall be transferred from the Pension Reserve Fund to the Pension Accumulation Fund. Should the pension of such a disability beneficiary be reduced as a result of an increase in his earning capacity, the amount of the annual reduction in his pension shall be paid annually into the Pension Accumulation Fund during the period of such reduction. (5) Expense Fund. The Expense Fund shall be the fund from which the expenses of the administration of the retirement system shall be paid, exclusive of amounts payable as retirement allowances and as other

benefits provided herein. In addition thereto and on account of each member of the retirement system there shall be paid monthly by the employer an amount equal to a certain percentage of the earnable compensation of each member for the administrative expenses of the retirement system. The rate per centum of such contribution shall be fixed by the Board of Control on the basis of the cost exclusive of that provided by interest not returnable. Any amounts credited to the accounts of the members withdrawing before retirement and not returnable under the provisions of Subsection (6) of Section 5 shall be credited to the Expense Fund. (6) Employer's Contributions. (a) For each biennium beginning October 1, 1965, each employer shall pay to the retirement system the rates provided in this section and thereafter at least thirty days preceding October first of each fiscal year the Board of Control shall certify to the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system in accordance with Subsection (3) (b) and (5). (b) The employer's contribution on account of the membership of employees whose salaries are paid in whole or in part from funds derived from Federal grants shall be paid from funds derived from said Federal grants in accordance with statutes governing the administration of said grants and in proportion to salaries paid therefrom. At such time and in such manner as may be required the Board of Control shall certify to each department of State receiving a Federal grant the amount due and payable from said grant as employer's contribution to the retirement system on account of the membership of said department whose salaries are paid in whole or in part from funds derived from such Federal grants. The fiscal agent of the department shall authorize the State Comptroller to draw a warrant or warrants in payment of the amount certified as due and payable from Federal grants. (7) Appropriation. There is hereby appropriated annually from the fund from which salaries of the employees of each employer are paid the amounts sufficient to carry out the provisions of this section. In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the employer contribution of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such department.

Section 5. This Act shall become effective October 1, 1969.

Approved July 10, 1969.

Time: 4:46 P.M.

Act No. 174

S. 372—Engel

AN ACT

To appropriate the sum of Five Thousand Dollars (\$5,000.00) to cover costs incurred by the Game and Fish Division of the Department of Conservation of the State of Alabama in hosting the annual meeting of the Southeastern Association of Game and Fish Commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of Five Thousand Dollars (\$5,000.00) to the Game and Fish Division of the Department of Conservation of the State of Alabama out of any unappropriated funds in the Game and Fish Fund for the purpose of covering costs incurred by said division in hosting the Southeastern Association of Game and Fish Commissioners meeting to be held in Mobile, Alabama, during the dates of October 9-23, 1969.

Section 2. Any unexpended monies remaining in said appropriation shall revert to the Game and Fish Fund.

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:47 P.M.

Act No. 175

S. 387—Oden

AN ACT

TO PROVIDE FOR ABATEMENT OF AD VALOREM TAXES ON PROPERTY ACQUIRED BY CONDEMNATION OR OTHERWISE BY THE STATE OF ALABAMA OR ANY AGENCY OR INSTRUMENTALITY THEREOF.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever private property is acquired by the State of Alabama or any agency or instrumentality thereof through condemnation proceedings as provided by the laws of this State, or when such property is otherwise acquired by the State for public use, the person from whom the property is acquired shall be liable for all ad valorem taxes levied or assessed against the property on a pro rata basis for the period from the beginning of the tax year on October 1 to the date on which the State takes title to the property. In condemnation cases the

title will pass to the State on date that condemnation petition was filed in Probate Court. Such taxes shall become due and payable on the date the property is transferred to the State, and the transferor shall pay to the tax collector in the county in which said property is located, that portion of all such taxes against said property for that portion of the tax year which has expired at the date of acquisition by the State as that portion bears to the entire year. The remainder of such taxes for such year shall be abated and cancelled.

Section 2. If only a portion of a tract or parcel of land is taken as described in Section 1 of this Act, it shall be the duty of the owner of said land to list the property so transferred with the tax assessor of the county in which the land is located, and to assign a portion of the total value of such property to that part transferred to the State of Alabama. Taxes against that portion transferred to the State shall be abated and cancelled after title to said property has passed to the State.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:48 P.M.

Act No. 176

H. 13—Merrill, Mathews, Lybrand

AN ACT

To amend Act No. 239, H. 220, Regular Session 1967 (Acts of 1967, p. 615), which creates a board of trustees to manage and control Jacksonville State University, and divests the state department of education of jurisdiction, power and authority with respect to the supervision, management and control of such university, so as to provide further for the annual meeting of said board of trustees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 239, H. 220, Regular Session 1976 (Acts 1967, p. 615), which creates a board of trustees to manage and control Jacksonville State University, and divests the state department of education of all jurisdiction, power and authority with respect to the supervision, management and control of such university, is hereby amended to read as follows:

"Section 6. The board of trustees of Jacksonville State University shall hold its regular annual meeting each year at the university on the third Monday in October, unless the board shall, in regular session, determine to hold its meeting at some other time and place. Special meetings of the board may be assembled by either one of the two methods outlined as follows: (a) Special meetings of the board may be called by the governor. In calling such special meetings the governor shall mail a written notice to each trustee at least ten days in advance of the date of such meetings. (b) Upon the application in writing of any three members of the board, the governor shall call a special meeting, naming the time and place thereof and causing notices to be issued in writing to the several members of the board. Such meeting shall not be held on a date less than ten days subsequent to the notice from the governor."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:50 P.M.

Act No. 177

H. 433—Merrill, Lybrand, Burgess

AN ACT

Relating to counties having a population of not less than 76,000 and not more than 96,000 according to the last and any subsequent federal decennial census; to authorize county governing bodies to provide clerk hire allowances for the offices of the county solicitor or deputy district attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 76,000 nor more than 96,000 according to the most recent federal decennial census.

Section 2. The governing body of any county in which this Act applies is hereby authorized and empowered to expend from the general fund of the county in addition to all other sums now provided by law for the efficient operation of the office of the county solicitor or deputy district attorney for increasing the salaries or compensation of the stenographers, clerks, and assistants, and for employing additional help in the said office, any amounts deemed to be reasonable and necessary by the said governing body.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 10, 1969.

Time: 4:51 P.M.

Act No. 178

H. 741—Fite

AN ACT

To provide for the expenses of members of the Boards of Education in counties having a population of not less than 20,100 nor more than 21,850 according to the last federal decennial census and to limit such payment to \$50.00 per month.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 20,100 nor more than 21,850 according to the last federal decennial census each member of the boards of education shall receive, in addition to all other expenses allowed, the sum of \$50.00 per month for expense to be paid from the public school funds of the county each month.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:53 P.M.

Act No. 179

H. 742—Fite

AN ACT

To provide for certain court reporters in counties having a population of not less than 20,100 nor more than 21,850 according to the last federal decennial census and to provide for their appointment and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of any court other than the circuit court in counties with a population of not less than 20,100 nor more than 21,850 according to the last federal decennial census, where the services of a court reporter are required by the provisions of law establishing such court, shall appoint a competent person capable of taking the proceedings of said court in short-

hand as a full time official reporter for the court. The court reporter shall be removable at the discretion of the judge. The reporter's duties shall be the same as those required by law of reporters for the circuit courts of the state; he shall receive the same rate of compensation for transcribing the testimony or other proceedings as is now provided for the circuit court reporters, and shall also receive \$200 a month and five dollars (\$5) for each half day or fraction thereof he is engaged in taking testimony or other proceedings of the court; such salary and compensation shall be paid out of the county treasury.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1969.

Time: 4:54 P.M.

Act No. 180

H. 743—Fite

AN ACT

To provide for the expense of judges of certain courts in counties with population of not less than 20,100 nor more than 21,850 according to the last federal decennial census and to provide for an effective date and an expiration date for this Act: and to repeal all laws in conflict therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. All judges of courts of record, other than circuit judges, where the jurisdiction of said courts is concurrent with that of the circuit courts in counties with population of not less than 20,100 nor more than 21,850 according to the last federal decennial census shall be paid, in addition to all other payments for expense, allowances and salary, the sum of \$3,600.00 per year for expense incurred in performance of the duties as such judge in the conduct of the affairs of office. Such expense shall be paid in equal monthly installments in the same manner and from the same funds as the salary of said judges.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall be effective immediately upon its passage and approval by the Governor or upon its otherwise

becoming a law and its provisions shall cease with the expiration of the terms of office of the judges affected hereby.

Approved July 10, 1969.

Time: 4:55 P.M.

Act No. 181

H.J.R. 77—Weeks

HOUSE JOINT RESOLUTION

WHEREAS the Alabama Department of the American Legion, at its 51st state convention, to be held in Birmingham on July 18 through July 20, will be addressed by William C. "Bill" Doyle, the National Commander of the Legion, and Donald E. Johnson, Administrator of the U. S. Veterans Administration, and

WHEREAS Bill Doyle, a thrice-wounded, much decorated army veteran of World War II, has devoted most of his adult life to military and veteran's affairs, and is now a Brigadier General in the New Jersey National Guard and Superintendent of the Vineland State Soldiers Home, and

WHEREAS Donald E. Johnson, a Past National Commander of the Legion, is an outstanding Iowa businessman, a decorated combat veteran, and a distinguished public servant, and has brought to his vital post the ability and knowledge to oversee the many important functions of the Veteran's Administration, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on behalf of the veterans and servicemen of Alabama we express our congratulations to the Alabama Department of the American Legion on the occasion of its 51st annual state convention and extend to William C. "Bill" Doyle and Donald E. Johnson our sincere and cordial welcome to the State of Alabama.

Approved July 16, 1969.

Time: 11:00 A.M.

Act No. 182.

H.J.R. 72—Merrill, et al

HOUSE JOINT RESOLUTION

WHEREAS we are shocked and grieved by the sudden death of our beloved and highly esteemed colleague, Representative

R. R. Berryman, who passed away yesterday as a result of a heart attack; and

WHEREAS Mr. Berryman rendered long and valuable service to the State of Alabama and particularly to his local constituents whom he represented ably and forcefully first in the Senate during the years 1959-1963 and since that time in this House. Mr. Berryman was a sound thinker, a man with the courage of his convictions and one who could be depended upon to battle for the best interests of all; and

WHEREAS Mr. Berryman who resided in Lawrence County near Moulton was a retired mail carrier and insurance man. He had a wealth of personal friends who confidently relied on his judgment and who shall long remember his many and varied acts of kindness. He was a past grand master of the Alabama Masonic Grand Lodge in which organization he labored diligently. He was an outstanding legislator and his wise counsel will be sorely missed by all of us who knew him well; and

WHEREAS Mr. Berryman is survived by his wife, Mrs. Kylie Berryman and one son, Mr. William C. Berryman; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama has suffered a grievous loss in the death of Representative Berryman. We extend our heartfelt sympathy to Mrs. Berryman and to his son, to whom copies of this resolution shall be sent.

Approved July 17, 1969.

Time: 8:00 A.M.

Act No. 183

S.J.R. 35—Cooper

SENATE JOINT RESOLUTION

WHEREAS, Senator Lister Hill, recently retired from long years of service to his state and nation in the United States Senate, has graciously accepted the invitation to address a joint session of the Legislature of Alabama under the terms of H.J.R. 26; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That both houses of the Legislature assemble in joint session in the Hall of the House of Representatives at 1:30 P.M. today, July 8, 1969, for the purpose of hearing the address of Senator Lister Hill.

BE IT FURTHER RESOLVED that a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to escort Senator Hill to the House Chamber.

Approved July 17, 1969.

Time: 8:01 A.M.

Act No. 184

S.J.R. 36—Cooper

SENATE JOINT RESOLUTION

WHEREAS, the Alabama Division of Standard Oil Company, under the guidance of Mr. J. C. Barry, Division Sales Manager, has produced a film entitled "Scenic Alabama, Heart of Dixie", with the intention of attracting both industry and tourism to Alabama; and

WHEREAS, the Legislature commends worthy efforts such as this to tell the story of Alabama which will attract the attention it so justly deserves; now, therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that both houses of the Legislature recess at 1:30 P.M. on July 15 for the purpose of viewing the film, "Scenic Alabama, Heart of Dixie", in the Highway Department Auditorium.

Approved July 17, 1969.

Time: 8:02 A.M.

Act No. 185

S.J.R. 37—Cooper, Adams, Albea,
Bailes, Branyon, Carr, Childs,
Clark, Dominick, Engel, Folsom,
Giles, Gilmore, Givhan,
Goodwyn, Harris, Hawkins,
Jackson, Leonard, Lindsey,
Lolley, McCarley, McDermott,
Morrow, Nabors, O'Bannon,
Oden, Pelham, Pierce, Radney,
Skidmore, Stone, Torbert,
Turner, Vacca

SENATE JOINT RESOLUTION

WHEREAS, The Legislature has learned with profound shock and sorrow of the sudden death of Honorable Robert R. Berryman, Representative from the 2nd District; and

WHEREAS, Former Senator Berryman was active in civic, religious and educational affairs in his community and state, and was Past Grand Master of the MW Grand Lodge, F&AM of Alabama; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we mourn the untimely death of our friend and colleague, Robert R. Berryman, and extend our deepest sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to his wife, Mrs. Kylie Berryman, and to his son, Clinton Berryman, U. S. Army.

Approved July 17, 1969.

Time: 8:03 A.M.

Act No. 186 S. 185—Stone, Clark, Cooper, Goodwyn,
Torbert, Givhan, Lindsey, Adams,
Turner, Jackson, Giles, Nabors,
Branyon, Lolley, Morrow, Gilmore,
Oden, Radney, Pierce, Carr, Leonard,
Folsom, Bailes, Hawkins, McDermott,
Pelham, Engel, Childs, Vacca and Albea

AN ACT

To provide for and authorize the organization of a public corporation in the state to be named Coosa Valley Development Authority, for the purpose of furthering the development of a navigable waterway between Montgomery and Gadsden and to the Alabama-Georgia boundary; to designate the officers and members of the board of directors of the Authority; to define and describe the duties and obligations which the Authority is authorized to undertake and discharge in connection with the proposed waterway project; to prescribe the powers of the Authority; to limit and regulate the Authority's power to enter into contracts; to authorize the Authority to delegate its duties and obligations to other public corporations, agencies and departments of the state and to prescribe the conditions upon which such a delegation shall be effective; to authorize the State Docks Department to provide and maintain suitable and adequate river and canal terminals in accordance with plans approved by the Secretary of the Army and the Chief of Engineers; to authorize the sale and issuance of general obligation bonds of the state in aggregate principal amount not exceeding \$10,000,000, the proceeds of which are to be expended by the Authority in discharging its duties and obligations in connection with the proposed waterway project; to make provisions for the sale, execution and issuance of the said bonds; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the said bonds; to provide that the said bonds and the income therefrom shall be exempt from taxation; to authorize and direct the State Treasurer to pay the principal of and interest on

the bonds from any available funds of the state; and to provide for the dissolution of the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provisions of this act.

“Board” means the board of directors of the Authority.

“Bonds” means the bonds issued under the provisions of this act.

“County” means a county in the state.

“Director” means a member of the board of directors of the Authority.

“Municipality” means an incorporated city or town of the state.

“Person,” unless limited to a natural person by the context in which it is used, includes a public or private corporation organized under the laws of Alabama or of another state, a municipality, a county, or an agency, department or instrumentality of a county or municipality, of one or more of the several states, or of the United States.

“Property” means and includes real and personal property, and interests therein.

“State” in the absence of clear implication herein otherwise, means the State of Alabama.

“Waterway” means a navigable waterway, utilizing the channel of the Coosa River, between Montgomery and Gadsden and to the Alabama-Georgia boundary, as authorized by the River and Harbor Act of March 2, 1945, Public Law 14, 79th Congress, 1st Session (1945).

“Herein,” “hereby,” “Hereunder,” “Hereof,” and other equivalent words refer to this act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

"Section 2. Legislative Intent. The legislature hereby makes the findings of facts and declaration of intent hereinafter set forth in this section. The construction of a navigable waterway between Montgomery and Gadsden and to the Alabama-Georgia boundary, utilizing the channel of the Coosa River, would provide a new transportation route of great importance and would stimulate the development of commerce, agriculture, and industry in many sections of the state. It is the intention of the legislature by the passage of this act to implement the provisions of the amendment of the Constitution of Alabama proposed by Act No. ____ enacted at the same session of the legislature at which this act was enacted. In order to further the developments herein found to be beneficial, it is the intention of the legislature to authorize the formation of a public corporation for the following purposes: to cooperate with the United States, the State of Alabama, other participating states, counties, and municipalities, with all agencies, departments and instrumentalities of such political entities, and with private individuals, corporations, associations, and other persons in furthering the development of the waterway project; to undertake all obligations and perform all actions that shall be necessary to fulfill the requirements of local contribution, participation and co-operation now, or hereafter, established by the United States in connection with the waterway project; to cooperate generally with the United States, the State of Alabama, other participating states, counties, and municipalities, with all agencies, departments and instrumentalities of such political entities, in promoting projects in the basin of the Coosa River for navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes. It is further the intention of the legislature to authorize the issuance of general obligation bonds of the state herein provided for and to empower the said public corporation to supervise the sale of the said bonds and to expend the proceeds of the said bonds in discharging the duties and obligations which the said public corporation is authorized by this act to undertake. Nothing herein is intended to authorize such public corporation to engage in or finance, directly or indirectly, the production, transmission, distribution, or sale of electric power or to acquire by purchase, license, lease, condemnation or otherwise a hydroelectric project, or any part thereof, now or hereafter licensed by the Federal Power Commission under the Federal Power Act of June 10, 1920, Public Law No. 280, 66th Congress, 2nd Session, and amendments thereto. Likewise nothing herein is intended to authorize such public corporation to engage in or finance, directly or indirectly, the organization or operation of any irrigation district or similar irrigation authority. This act shall be liberally construed in conformity with its purpose."

Section 3. Authorization to Form Public Corporation. The Governor, the Lieutenant-Governor, the Speaker of the House of

Representatives of the State Legislature, the Director of Finance, the Highway Director, the Director of the State Docks Department and the President of the Coosa-Alabama River Improvement Association may become a public corporation, with the powers hereinafter provided, by proceeding according to the provisions of Section 4 of this act.

Section 4. Manner of Incorporation. To become a corporation, the Governor, the Lieutenant-Governor, the Speaker of the House of Representatives, the Director of Finance, the Highway Director, the Director of the State Docks Department and the President of the Coosa-Alabama River Improvement Association shall present to the Secretary of State of Alabama an application signed by each of them which shall set forth (a) the name, official designation and official residence of each of the applicants; (b) the name of the proposed corporation, which shall be Coosa Valley Development Authority; (c) the location of the principal office of the proposed corporation; and (d) any other matter relating to the proposed corporation which the applicants may choose to insert and which is not inconsistent with this act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State of Alabama to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. Certificate of Incorporation. When the application has been made, filed and recorded, as herein provided, the applicants shall constitute a public corporation under the name submitted in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation under the Great Seal of the state and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any service rendered or work performed in connection with the Authority thus formed, its incorporation, dissolution or records.

Section 6. Members, Officers and Directors of the Authority. The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall be the president of the Authority, the Lieutenant-Governor shall be its vice president, and the Director of Finance shall be its secretary. The State Treasurer shall be the treasurer of the Authority and shall act as custodian of its funds, but he shall not be a member of the Authority. The members of the Authority shall constitute all the members of the board of directors of the Authority, and any four members of the board of directors shall constitute a quorum for the transaction of business. Should any person

holding any state office named in this section, or the President of the Coosa-Alabama River Association, cease to hold office by reason of death, resignation of his term of office, or for any other reason, then his successor in office shall take his place as a member and officer of the Authority. Except as hereinafter provided, no member, officer or director of the Authority shall receive any compensation in addition to that now authorized by law for any service they may render or for any duty they may perform in connection with the Authority; **provided**, that the Lieutenant-Governor and the Speaker of the House of Representatives shall receive for each day devoted to the business of the Authority the same per diem compensation and allowance that would be paid to them for attending legislative sessions, but this special compensation and allowance shall not be allowed on days when the Lieutenant-Governor and the Speaker of the House of Representatives are paid the per diem compensation and allowance for attending legislative sessions. The herein provided for special compensation and allowance of the Lieutenant-Governor and the Speaker of the House of Representatives shall be paid out of the moneys appropriated for the expenses of the legislature in the same manner that the per diem compensation and allowance of legislators serving on interim committees are paid. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the Authority and recorded in a substantially bound book, which shall be kept in the office of the Secretary of State. Copies of such proceedings, when certified by the secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. Duties and Obligations Which May Be Undertaken by the Authority.

The Authority may undertake and discharge the duties and obligations set forth in this section as follows:

In connection with the waterway, the Authority may do or cause to be done the following: (i) construct, maintain and operate all highway bridges necessitated by the waterway and construct and maintain all highway relocations and alterations necessitated by the waterway, (ii) construct and maintain all alterations in sewer, water supply and drainage facilities necessitated by the waterway; (iii) assume any increased cost necessitated by the waterway in connection with maintaining and operating utility crossings. It is the intention of the legislature to make the scope of foregoing duties and obligations which may be undertaken by the Authority commensurate with the corresponding requirements of local contribution and participation established by the River and Harbor Act of March 2, 1945, Public Law 14, 79th Congress, 1st Session (1945).

Section 8. Powers of the Authority. The Authority shall have the following powers: (a) to have succession by its corporate name without time limit; (b) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties; (c) to have and to use a corporate seal and to alter the same at pleasure; (d) to receive, take and hold by sale, gift, lease, devise or otherwise real and personal property of every kind and description, and to manage the same; (e) to acquire by purchase, gift, or the exercise of the power of eminent domain, or any other lawful means, and to convey or cause to be conveyed to the United States, the State of Alabama, any county or municipality in the state, or to any agency, department, or instrumentality of such political entities, or to any public corporation, any real, personal or mixed property necessary or convenient to the Authority in the performance of its duties and obligations in connection with the waterway project; (f) to exercise the right of eminent domain as freely and completely as, and in the same manner that, the State of Alabama is empowered to exercise such right; (g) to enter into contracts with the United States, the State of Alabama, counties, and municipalities, with all agencies, departments and instrumentalities of such political entities, and with private individuals, firms, corporations, and other persons for any purpose related to the Authority's duties and obligations in connection with the waterway project; (h) to supervise the sale of general obligation bonds of the state subject to the provisions of Section 12 of this act and to expend the proceeds of the said bonds in discharging its duties and obligations in connection with the waterway project; (i) to appoint and employ such attorneys and agents as the business of the Authority may require; **provided**, that the Authority shall not employ fiscal agents in connection with the sale of bonds; (j) to appoint and employ an administrator and supporting staff with such duties and powers, for such terms, and at such salaries as the board of directors shall deem advisable; to delegate, subject to the provisions of Section 10 hereof, the performance of the Authority's duties and obligations to the Highway Department, the State Docks Department, and any other public corporations, agencies and departments of the state, in such part, to such extent, and on such terms as the board of directors shall deem advisable and to turn over to such other public corporations, agencies and departments of the state any and all funds of the Authority necessary to enable such other public corporations, agencies and departments to perform the duties and obligations of the Authority delegated to them.

Section 9. Contracts of the Authority. The aggregate monetary obligation that the Authority may incur in connection with its contracts shall not at any time exceed the sum of (a) any uncommitted or unencumbered moneys then appropriated to the Authority by the legislature and (b) any uncommitted

or unencumbered proceeds of bonds available or to become available from bonds then authorized by the Authority and approved by the Governor pursuant to Section 12 hereof. No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the Authority. This determination by the board of directors shall be conclusive of the question of compliance. All contracts of the Authority for the construction, re-construction, relocation, maintenance and operation of highways, roads, and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the Highway Department and shall be subject to approval by the Governor and by the Highway Department. All work provided for in any such contract shall be supervised by the Highway Department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the Authority without the award of a contract therefor shall be employees of the Highway Department. All contracts of the Authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the Authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in Act No. 492 adopted at the 1947 Regular Session of the Legislature, as amended, Act No. 343 adopted at the 1957 Regular Session of the Legislature, as amended, and any other applicable statutes.

Section 10. Duties of Other Public Corporations, Agencies and Departments of the State. Any duties and obligations of the Authority which shall be delegated by the board of directors of the Authority to the Highway Department, the State Docks Department, or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; **provided**, that such a delegation shall not be effective and shall not release the Authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless the Governor and the director, head or governing body of the public corporation, agency or department to which a delegation shall have been made shall approve such delegation in all respects; and **provided further**, that the public corporation, agency, or department shall at the time of such delegation be empowered by laws other than this act to perform duties and discharge obligations of the kind delegated and that

this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state.

Section 11. Authority of the State Docks Department. In connection with the navigational use of the waterway, the State Docks Department is hereby authorized to provide and maintain suitable and adequate river and canal terminals in accordance with plans approved by the Secretary of the Army of the United States and the Chief of Engineers of the United States Army.

Section 12. Authorization of Bonds: Details Respecting the Bonds. There are hereby authorized to be issued bonds of the state in aggregate principal amount not exceeding \$10,000,000. The bonds hereby authorized shall be general obligations of the state, and the full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of and the interest on the bonds.

The bonds may be sold from time to time as the board of directors may deem advantageous; **provided**, that no bonds (other than refunding bonds) may be sold or issued unless the Governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to enable the Authority to fulfill the requirements of local contribution, participation and cooperation established by the United States in connection with the waterway project. Except as hereinafter limited, the bonds may be executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest, or both, may be payable in such installments and at such time or times, may be payable at such place or places within or without the state, may bear interest at such rate or rates payable and evidenced in such manner, may contain provisions for redemption at the option of the Authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, and may contain such other provisions not inconsistent with the provisions of this act, all as shall be provided by the board of directors in the resolution or resolutions whereunder the bonds are issued. The principal of each series of the bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the board of directors under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. Any redemption price required to be paid in order to effect any redemption of bonds prior to maturity shall not exceed the face value of each bond

redeemed plus accrued interest thereon to the date fixed for redemption and a premium equal to one year's interest on such bond. Each series of bonds having an installment of principal maturing more than ten years after the date thereof shall be made subject to redemption prior to maturity, at the option of the state, at the end of the tenth year following their date and semiannually thereafter, as a whole or in part in the inverse order of the numbers of the bonds of that series. When each series of the bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; **provided**, that the determination by the Authority that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of any of the bonds and all subsequent holders thereof shall be fully protected by such determination.

None of the bonds shall be sold for less than their face value plus accrued interest thereon to the date of their delivery, and all of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; **provided**, that, if no bid deemed acceptable by the commission is received, all bids may be rejected. Notice of each bond sale shall be given by the Authority by publication in either a financial journal or a financial newspaper published in New York, New York, and also by publication in a newspaper published in the State of Alabama, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The Authority shall cause such other publicity to be given of each bond sale as it may deem advisable, and it shall fix the terms and conditions under which each sale of bonds may be held; **provided**, that such terms and conditions shall not conflict with any of the requirements of this act. The Authority is authorized to provide terms and conditions under which any of the bonds may be exchanged for like bonds of other denominations and may be converted from bearer bonds into registered bonds, either as to principal or interest or both as the Authority may prescribe, and again converted into bearer bonds. Subject to the provisions of this act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority then outstanding.

The bonds shall not be valid unless the Governor shall approve the terms and conditions under which the bonds were authorized to be issued by the board of directors of the Authority. Such approval shall be entered on the minutes of the meet-

ing of the board of directors at which the bonds are authorized, and shall be signed by the Governor. Such approval by the Governor may be shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him.

The bonds shall be executed in the name of the state by the Governor, and the Great Seal of the state, or a facsimile thereof, shall be affixed, printed or otherwise reproduced thereon and attested by the Secretary of State. A facsimile of the signature of either, but not of both, of said officials may be printed or otherwise reproduced on any of the bonds in lieu of being manually inscribed thereon. The coupons evidencing any installments of interest on the bonds shall be executed with a facsimile of the signature of the State Treasurer printed or otherwise reproduced thereon. Each such facsimile of a signature shall be valid in all respects as if the officials the facsimiles of whose signatures are so used had signed the bonds in person. Any facsimile of the Great Seal of the state so used shall be valid in all respects as if the Great Seal of the state had been manually affixed to the bonds. In the event any official who shall sign the bonds or the facsimile of whose signature shall appear thereon shall thereafter cease to hold office before they are delivered and paid for, the bonds and the coupons applicable thereto shall nevertheless be valid for all purposes to the same extent as if the official who signed the bonds or the facsimile of whose signature appears thereon had remained in office until all of the bonds bearing such signature or facsimile thereof shall have been delivered and paid for.

The bonds and the income therefrom shall be exempt from all taxation in the state.

Section 13. Proceeds of Bonds. The Authority shall pay out of the proceeds from the sale of any of the bonds all expenses which the board of directors may deem necessary or advantageous in connection with the sale and issuance of the bonds. The proceeds from the sale of all bonds, other than refunding bonds, remaining after paying the expenses of their sale and issuance shall be turned into the State Treasury, shall be carried in a special fund to be designated the Coosa Valley Development Authority Fund, and shall be subject to be drawn on by the Authority, upon approval by the Governor, but solely for the purpose of discharging the duties and obligations undertaken by the Authority in connection with the waterway project. The proceeds from the sale of any refunding bonds remaining after the expense of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds issued hereunder and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded.

Any portion of the proceeds derived from the sale of any of the bonds which the board of directors of the Authority may

determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the Authority, be invested by the State Treasurer in any securities that are direct general obligations of the United States or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States. Any such securities may, at any time and from time to time, on order of the Authority, be sold or otherwise converted by the State Treasurer into cash. The income derived from any such investments shall be added to and treated as a part of the Coosa Valley Development Authority Fund.

Section 14. State Treasurer Authorized to Pay Principal and Interest of Bonds: Records. Out of any funds in the State Treasury that may be available for such purpose, the State Treasurer is authorized and directed to pay the principal of and interest on the bonds at the respective maturities of the said principal and interest, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 15. Dissolution of the Authority. At any time when no duties or obligations of the Authority shall remain to be discharged, or when all duties and obligations remaining to be discharged have been effectively delegated to public corporations, agencies and departments of the state in accordance with Section 10 thereof, the Authority may be dissolved upon the filing with the Secretary of State of an application for dissolution, which shall be subscribed by each of the members of the Authority, and which shall be sworn to by each such member before an officer authorized to take acknowledgments to deeds. Upon the filing of said application for dissolution, the Authority shall cease and any property owned by it at the time of its dissolution shall pass to the state. The Secretary of State shall file and record the application for dissolution, in an appropriate book of record in his office, and shall make and issue, under the Great Seal of the state, a certificate that the Authority is dissolved, and shall record the said certificate with the application of dissolution.

Section 16. Severability Clause. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court or competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this act, which shall continue effective.

Section 17. Effective Date. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama proposed by Act. No. enacted at the same session of the legislature at which this act was enacted.

Approved July 17, 1969.

Time: 8:05 A.M.

Act No. 187

S. 376—Jackson

AN ACT

To regulate the compensation of jurors in counties having populations of not less than 33,000 nor more than 35,000.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census, regular jurors, grand and petit, shall each be entitled to ten dollars (\$10) for each day's service, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 17, 1969.

Time: 8:06 A.M.

Act No. 188

S. 377—Clark

AN ACT

To amend Act No. 235, S. 97, Regular Session 1967, an act providing for the appointment and compensation of deputies and assistants of the sheriff of Barbour County, so as to make further provisions respecting the compensation and appointment of jailers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 235, S. 97, Regular Session 1967, is hereby amended to read as follows:

2. The sheriff of Barbour County may also appoint or employ two jailers whose compensation shall be paid from the county treasury. The salary of each of such jailers shall be fixed by the sheriff, subject to the approval of the board of revenue or other like governing body of Barbour County, at an amount not exceeding \$300 a month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1969.

Time: 8:08 A.M.

Act No. 189

S. 379—Adams

AN ACT

Relating to the Office of the Sheriff of Houston County; providing further for the appointment, number, term, duties and compensation of the deputies of the Sheriff, and repealing conflicting laws, including Act No. 163, H. 765, Regular Session 1965 (Approved July 23, 1965).

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Houston County may appoint a total of thirteen deputies, including the Chief Deputy Sheriff, whose compensation shall be paid by the County. All such deputies shall be appointed by the Sheriff, shall serve at the pleasure of the Sheriff, and shall perform such duties as the Sheriff may prescribe. Before entering upon their duties such deputies shall make bond payable to the Sheriff in the sum of \$2,000.00, conditioned as required by Section 35, Title 41, Code of Alabama 1940.

Section 2. The salary of the Chief Deputy Sheriff shall be fixed by the Board of Revenue and Control at an amount of not more than \$4,860.00 per annum and the salaries of seven Deputy Sheriffs shall be fixed by the Board of Revenue and Control at an amount of not more than \$4,200.00 per annum. The salaries of three Deputy Sheriff who shall serve as jailers shall be fixed by the Board of Revenue and Control at an amount of not more than \$3,540.00 per annum; the salaries of two Deputy Sheriffs who shall serve as bookkeepers shall be fixed by the Board of Revenue and Control at an amount of not more than \$3,600.00 per annum. The Board of Revenue and Control may, in its discretion, provide for the compensation of the Chief Deputy and any of the other deputies to be paid, in whole or in part, from the county public highway and traffic fund.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws and parts of laws in conflict with this Act are repealed including Act No. 163, H. 765, Regular Session 1965 (Approved July 23, 1965).

Section 5. This Act shall become effective, immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1969.

Time: 8:10 A.M.

Act No. 190

S. 409—Branyon

AN ACT

Relating to counties having a population of not less than 15,500 nor more than 16,300; increasing the salary of the deputy solicitor in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 15,500 nor more than 16,300 according to the most recent federal decennial census, the salary of the deputy solicitor in such county shall be \$3,600 per year, payable from the general funds of the county in equal monthly installments.

Section 2. All laws, general, local or special, or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1969.

Time: 8:12 A.M.

Act No. 191

S. 422—Jackson

AN ACT

Relating to counties having a population of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; increasing the salary of the Judge of the Inferior Court for such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census, the Judge of the Inferior Court of such counties shall receive an annual salary of \$6,000, payable out of the general funds of the county in equal monthly installments.

Section 2. All laws, general, local or special, or parts of such laws in conflict herewith, are hereby repealed.

Section 3. This act shall be effective upon the expiration of the term of the incumbent Judge of the Inferior Court in any county within the purview of this act.

Approved July 17, 1969.

Time: 8:13 A.M.

Act No. 192

S. 424—Radney

AN ACT

Relating to Elmore County; abolishing the Elmore County Law & Juvenile Court and establishing in lieu thereof a court of record to be known as the Elmore County Court; defining the court's jurisdiction and powers; providing for its officers, and for their powers, duties, and compensation; providing for the creation of two divisions of the court, to be known as "The Tallassee Division" and "The Wetumpka Division"; providing for the holding of terms and the sessions of the divisions; providing for the rules and procedure of the court; providing for fees and costs of Court; and providing for the transfer of all cases pending in the Elmore County Law & Juvenile to the Elmore County Court.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Elmore County, a court of record to be known as and called the Elmore County Court, which Court shall have and exercise civil and criminal jurisdiction as hereinafter provided.

Section 2. The Elmore County Court shall have civil jurisdiction in all civil matters of which justices of the peace of Elmore County have jurisdiction under the general laws of the State of Alabama, concurrently with the several justices of the peace in the county; and in addition thereto, the court shall have jurisdiction, concurrently with the circuit court of Elmore County, of all matters, suits, and actions at law which are in amount more than the jurisdiction of the justices of the peace, and not more than \$1,200, and when the value of the property sued for in a suit in detinue is not more than \$1,200; provided, however, that the court shall not have and exercise civil jurisdiction of actions in the nature of ejectment; and the court shall have original jurisdiction, concurrently with the circuit court of Elmore County, of all misdemeanors committed in the county. It shall have preliminary jurisdiction of all felonies, and of bastardy and of other criminal and quasi-criminal proceedings cognizable before justice of the peace courts. The court shall have jurisdiction of all matters, suits, and actions cognizable before a juvenile court; and the provisions of Chapter 7, Title

13, Code of Alabama 1940, as amended, shall apply; and of all cases of desertion and non-support arising under the provisions of Article 3, Chapter 4, Title 34, Code of Alabama (1940). The jurisdiction of the Elmore County Law and Juvenile Court, as hereinabove provided, shall be coextensive with the county. The court may suspend execution of sentence and place on probation any person convicted of a misdemeanor, the same as the circuit court, and the period of probation or suspension of execution of sentence shall be determined by the court.

Section 3. The judge of the court shall have been a resident in and a qualified elector of the county for at least two years at the time of his appointment or election, and shall reside in the county during his continuance in office. He shall be at least 25 years of age, learned in the law and shall have been admitted to the practice of law in this State. He shall not during his term of office act as attorney in any case or matter that has previously been in or is in this court, but may practice in all other matters and all other courts. This act shall become a law and be in full force and effect upon its passage and approval by the Governor, but it shall not affect the term of office of the present judge of the Elmore County Law & Juvenile Court or his successor in office. Such incumbent judge shall be the judge of the court created and established herein until the first Monday after the second Tuesday in January, 1975, and until his successor is elected and qualified as now required by law, or as provided in this act. He shall perform the duties, and receive the compensation as herein provided for the judge of this court.

Section 4. The term of office of the judge of this court, who shall be elected by the qualified electors of the county, at the general election for state and county officers in the year 1974 and every six years thereafter, shall be for six years from the first Monday after the second Tuesday in January, 1975, and until his successor is elected or appointed and qualified. Upon the passage and approval of this act, or upon its otherwise becoming a law, the Governor shall issue a commission to the incumbent judge of the Elmore County Law & Juvenile Court at the time this act becomes effective as judge of the Elmore County Court, as herein provided; and after the election of the judge of this court as herein provided the Governor shall likewise issue to him a commission as such judge. Before entering upon the duties of his office, the judge of this court shall take the oath of office in the form required by law to be taken by judges of the circuit court of this State and he shall be removed from office for the same causes and in the same manner as is now or may be hereafter provided for removal of circuit judges. In the event of the vacancy caused by the resignation, removal or death of the judge, or for other causes,

the Governor shall fill the office by appointment and the person so appointed shall hold office as provided for in Section 158 of the Constitution of this State. In case the judge shall be unable at any time to discharge the duties of his office by reason of sickness, disqualifications, or other causes, the judge shall make, or cause to be made by the clerk thereof, when the facts warrant it, an order setting forth the reasons of his inability to sit in the court, and the order shall be spread on the minutes of the court. Thereupon, the clerk of this court shall designate and appoint in writing, which appointment shall be spread on the minutes of this court, some practicing attorney of the county or State of Alabama who is learned in the law, as special judge thereof, and the person so designated and appointed shall perform all of the duties and exercise all of the powers and authority of the judge of this court, and shall hold said office until the regular judge thereof shall resume his duties. The said special judge shall receive not less than \$5.00 nor more than \$50.00 as compensation for his services for each day he serves as judge of this court, said compensation to be fixed by the clerk of said court payable in the same manner and from the same funds as the compensation of the regular judge is paid. The regular judge of this court shall have authority to administer oaths, and take acknowledgments and affidavits in all cases, and to solemnize marriages, the same as circuit judges of this State.

Section 5. The judge of the Elmore County Court shall receive a salary of Ten thousand dollars (\$10,000) per annum, payable in equal monthly installments out of the general fund of the county, upon the warrant of the probate judge. Such judge is hereby authorized and directed to issue monthly warrants which shall be a preferred claim against the general fund.

Section 6. The clerk of the Circuit court of the county shall act and be clerk of the Elmore County Court, hereby established, and he shall keep a civil and criminal docket of all cases brought before the court, and all of the minutes and records as are now required by law to be kept by clerks of the circuit courts, and he shall have authority to issue all necessary summonses and complaints as to all cases filed in the court, and all other civil and criminal process which clerks of the circuit courts are now required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in the court. It shall be the duty of the clerk to tax and collect in each civil and criminal case in the Elmore County Court the same costs and fees for services of the solicitor, the clerk, the sheriff, and the witnesses as are now allowed by law to be taxed, charged, and collected in the circuit court of this State,

which he shall disburse as is now required of said fees in the circuit courts of Elmore County, except as may be hereinafter provided. It shall also be the duty to collect, or receive from the sheriff, all fines and forfeitures in the court, which together with the solicitor's fees taxed and collected in the court, he shall pay into the fine and forfeiture fund of the county, in the same manner as now provided for the disposition of such funds in the circuit court of Elmore County. The clerk shall tax in each civil case, except when the amount involved is less than \$101.00, a trial fee of two dollars and shall tax in all criminal cases a trial fee as hereinafter provided, to be collected as all other costs are collected, and when collected, to be paid into and become a part of the general fund of the county. The court costs and fees in all prosecutions in the Elmore County Court for violations of the prohibition laws, for carrying a concealed weapon, and for petit larceny or offenses of petit larceny grade, adultery, and assault with a weapon, shall be the same as those prescribed for county courts by the general laws of the state, except that the trial tax in such cases shall be three dollars. The court costs and fees for misdemeanors other than violation of the prohibition laws, carrying a concealed weapon, petit larceny or offenses punishable like petit larceny, adultery, and assault with a weapon, in bastardy proceedings, in peace proceedings, and in preliminary examinations shall be the same as those prescribed by the general laws of the state; provided, that in all such cases the trial tax shall be one dollar and no solicitor's fee shall be taxed as a part of the cost. Witness fees taxed and collected in civil cases shall be retained by the clerk and paid over to any witness entitled to such fee, who in not more than five days proves his attendance upon the court in any case therein pending by obtaining a witness certificate, and who presents to the clerk such certificate for payment within ninety days after the payment of costs in the cases in which the certificates were issued. No costs shall be taxed in any civil case for witness fees of any witness who fails to prove his attendance as a witness and to obtain a witness certificate within the five day period prescribed. In case any civil witness certificate is issued, but not presented for payment within ninety days after the payment of costs in the case in which the certificate was issued, the witness fee shall revert to the general fund of the county. The clerk shall pay to the county treasurer, for the use of the general fund, all such reverted fees in his hands on the first Monday of each month. State witness fees in criminal cases shall be taxed, collected, paid into, and disbursed from the fine and forfeiture fund of the county. Each witness attending court in civil cases shall be entitled to seventy-five cents per day and five cents per mile actually travelled by the most direct route in going to

court and returning home and the witness fees shall be taxed as a part of the costs and shall be collected and disposed of as herein provided. It is expressly provided that Act No. 586 approved September 8, 1967 (1967 Acts of Alabama, Volume II page 1358 and 1359), shall apply to said Court, and that the costs and fees provided for therein shall be collected in addition to the costs and fees provided for in this Act. The clerk shall attend upon the sessions of the court at such hours as are designated by the judge thereof and shall perform such other duties as may be prescribed by the judge of the court and by this act, either in person or by deputy. The clerk shall issue certificates of judgments of the court, in the same form as is now provided by law for issuance of certificates of judgments from the circuit courts. The owner of any judgment rendered by the court may file in the office of the judge of probate of any county in this State such certificate of judgment issued by the clerk as hereinabove provided, under the same procedure and in the same manner as is now or may hereafter be provided for filing certificates of judgments rendered by the circuit courts of this State; and when so filed such judgments shall be a lien in the county where filed on all property of the defendant which is subject to levy and sale under execution. The filing of such certificate of judgment shall be notice to all persons of the existence of the lien thereby created. Such lien shall continue for ten years from the date of such judgment and no insolvency proceedings or declaration of insolvency shall affect or impair such lien, except bankruptcy proceedings instituted within four months after the filing of the certificate, provided by law. Execution may be issued at any time within ten years from the date of such judgment, whether execution has been previously issued or not. The clerk of the court, before entering into the duties of his office, shall give bond in such penal sum as may be prescribed by the court of county commissioners of the county, payable and conditioned as are official bonds required of clerks of the circuit courts, to be taken and approved by the judge of probate of the county, and recorded in the probate office of the county. There shall be the same liabilities and remedies upon said bonds as upon bonds of the clerks of the circuit court of this state. The premium on the bond or bonds shall be paid out of the general fund of the county.

Section 7. The sheriff of Elmore County shall, in person, or by deputy, be required to attend upon the court and to preserve order and execute all writs or process issued therefrom, and to perform such other duties in all respect as he is required by law to perform in the circuit court of Elmore County.

Section 8. The deputy solicitor for the county shall prosecute for the state all criminal cases in the court created by

this act. His entire compensation shall be a salary of Four thousand eight hundred dollars (\$4,800) per annum, to be paid out of the general fund of the county in equal monthly installments on the warrant of the probate judge. Such warrants shall be preferred claims against the general fund of the county.

Section 9. There shall be a Tallassee Division and a Wetumpka Division of the Court. The Tallassee Division shall include and be composed of the following beats or precincts in Elmore County, viz: Precinct 1, precinct 2, precinct 3, precinct 4, precinct 13, and precinct 19; and the Wetumpka Division shall include and be composed of the following precincts in Elmore County, viz: Precinct 5, precinct 6, precinct 7, precinct 8, precinct 9, precinct 10, precinct 11, precinct 12, precinct 14, precinct 15, precinct 16, precinct 17, and precinct 18. The sessions of the court of the Tallassee Division shall be held at some place in the city of Tallassee or in the police jurisdiction thereof, and the sessions of the court of the Wetumpka Division shall be held at the Court house in the City of Wetumpka. The court, at the discretion of the judge, shall be open any day during the week, except Sunday, for the trial of cases coming within the jurisdiction of the court. On the first and third Mondays of each month there shall be held a session of the court for the handling, trial, and disposition of all criminal and quasi-criminal cases therein pending in the Wetumpka Division of Elmore County, which shall continue as long as necessary to dispose of the docket; and on the second Monday of each month there shall be held a session of the court for the handling, trial, and disposition of all cases therein pending in the Tallassee Division of Elmore County, which shall continue as long as necessary to dispose of the docket. On the fourth Monday of each month, there shall be held a session of the court in the Wetumpka Division for the handling, trial and disposition of all civil cases therein pending which shall continue as long as necessary to dispose of the docket. But any session of the court in either of the divisions may be dispensed with and continued by the judge when, in the opinion of the judge, the public good or public necessity requires such continuance. As to all civil and criminal actions of which the court shall have jurisdiction, the venue of the acts shall be determined as if each of the two divisions of the county hereinabove provided for constituted a separate county, except that after any actions instituted in either division of the court, the judge of the court shall have the power and authority to order the transfer or removal of any such action to the other division of the court for trial. All suits and actions on contract or in tort except as otherwise provided in this act must be brought in the division in which the defendant or one of them resides or in which the debt was created on cause of action arose.

Section 10. All prosecutions for misdemeanors may be instituted in the court by making affidavit before the judge or the clerk of the court, and the writ on said affidavit shall be issued by the clerk. In all preliminary proceedings in prosecutions for felonies begun in the court, the same may be instituted by affidavit before the judge or clerk, and the writ thereon shall be issued by the judge or the clerk. When the defendant is arrested on affidavit and the warrant charging a misdemeanor the case shall go to the docket for trial and be tried as though the defendant has been indicted by a grand jury, except as hereinafter provided. The defendant shall not be put upon trial in any cause within five days of his arrest, except with his consent. The judge of the court shall have the right and authority to issue all processes returnable into his court that are not especially provided to be issued by the clerk of the court, but he shall not prepare any summons and complaints, garnishments, detinue attachments, papers or other writs of process issuing out of said courts. All writs must be made returnable to the division of this court in which the alleged crime was committed.

Section 11. All criminal cases in the court shall be tried by the judge thereof without a jury, and the accused shall not have the right to demand a trial by jury, but in all trials of criminal cases in the court, the judge shall determine both the law and the facts without the intervention of a jury, and in cases of conviction the defendant shall have the right to appeal to the circuit court as provided for in Section 326 of Title 13 of the Code of Alabama (1940), except that appeal bonds shall be approved by the clerk of the court, and a jury trial may there be had on the demand of the defendant, made at the time of taking the appeal.

Section 12. A party aggrieved or desiring to bring a charge of misdemeanor before this court may, upon applying to the judge or clerk for a warrant of arrest and upon making affidavit in writing that he has probable cause for believing and does believe, that a specifically identified property, as the case may be, then the judge or clerk of the court shall examine the affiant under oath, and other witnesses if he so desires, touching the offense charged in the affidavit, and if the judge or clerk has probable cause for believing that the offense alleged in the affidavit has been committed he shall issue his warrant of arrest as hereinabove provided. When there is an objection to the validity or sufficiency of any affidavit, complaint, or warrant pending in this court or when a defect appears in any of the same, the solicitor or other person prosecuting for the state shall have the right to amend any or all the papers to which the objection is directed, or where such defect appears;

or the solicitor may instead of amending the papers, make a brief statement of the cause of complaint signed by him, which may be substantially in the form provided in Section 259 of Title 15 of the Code of Alabama (1940) as amended and may be amended as herein provided. Thereupon the court shall proceed to try the case either upon the original papers or the original as amended, or upon the statement or statements filed by the solicitor or other person prosecuting for the state.

Section 13. All proceedings in the court as to judgment for fine and costs, confession of judgment and executions thereon, sentence to jail or hard labor for fines and costs, and as additional punishment, bail, conditional judgments, forfeitures, judgments, final and alias warrants of arrest, shall be the same in the Elmore County Court, as are now, or may hereafter be, provided for by law in the circuit court; and conditional judgments may be set aside therein, reduced, or made absolute and the same orders and judgments may be made and taken in such matters as could be made or taken in the circuit courts; and the same procedure shall be followed, except as otherwise provided by this act.

Section 14. The trial of all criminal appeals from this court in the circuit court shall be de novo, and without any indictment of presentment by the grand jury; but the solicitor shall make a brief statement of the cause of complaint signed by him, in substantially the form prescribed by Section 259 of Title 15 of the Code of Alabama (1940), as amended, or the trial may proceed upon the original affidavit or complaint. On the trial of such appeal, the court shall be governed by the same rules as to evidence, practice, find of the jury, and punishment as if the case had originated in that court.

Section 15. All general laws relating to misdemeanors, now in force or that may hereafter be enacted, shall apply to and extend to this court, unless the contrary be expressly provided or limited by the laws so enacted.

Section 16. In all civil actions in this court, the pleadings and process and the time for filing pleadings shall conform to and be governed by the statute and rules obtaining in the circuit court of Elmore County, except that the issuance, levy, and collection of executions from this court shall be controlled by the laws now applicable to justice courts of this state, and the defendant shall have only ten days to plead, answer, or demur to a complaint filed against him.

Section 17. In all civil matters in this court the trial of the same shall in all respects be governed by the same rules of pleading, evidence, procedure, and practice as now prevail or

govern in the circuit courts of this state, except as hereinafter provided. A party litigant after being served with statutory interrogatories shall be required to answer the interrogatories within thirty days, and upon his failure to do so shall be subject to the same pains and penalties as are now provided by law for failure to answer interrogatories propounded in the circuit court. Any party desiring to appeal from any judgment rendered in this court, except from judgments for the possession of real estate, may give security for the cost of the appeal in the form of an appeal bond, said bond to be approved by the clerk of said court; provided that if the party appealing desires to have the judgment superseded, when the judgment is for the payment of money or for the recovery of possession of personal property he may do so by giving a supersedeas bond with good and sufficient security or surety in such an amount as herein provided payable to the adverse party and approved by the clerk with the condition that if he fail in the appeal he will pay such judgment as the circuit court may render in the premises and all such cost and damages as any party aggrieved may sustain by reason of the wrongful appeal and suspension of the execution of the judgment. The appeal bond and security of surety for court cost and supersedeas bonds must be filed with and approved by the clerk within ten days from the date of the rendition of the judgment. The supersedeas bond shall be in an amount double the amount of the judgment and cost of court in the case of a judgment for the payment of money; and shall be in the amount double the value of the personal property recovered in the suit and court costs, in the case of a judgment for the recovery of or possession of personal property. Any party desiring to appeal from any judgment rendered in this court for the possession of real estate may do so and that appeal shall be governed in all respects, including time allowed within which to take the appeal, amount and condition of appeal bond and in all other respects, by the general laws of this state relating to appeals in such cases from judgments of justice of the peace courts. Notice of all appeals in civil cases from this court shall be given the adverse party in such manner and for such time as is prescribed by the general laws of this state relating to notice of appeals from judgments rendered in justice of the peace courts.

Section 18. All civil cases in this court shall be tried by the judge without the intervention of a jury. The judge shall determine both the law and the facts, and either party shall have the right to appeal to the circuit court as hereinabove provided, and on appeal either party may demand a trial by jury on the trial in the circuit court and the trial in the circuit court shall be de novo.

Section 19. Final judgments rendered in civil causes in such court shall after the expiration of ten days from their rendition be taken and deemed to have passed beyond the control of the court, as if such term of the court at which the judgments were rendered had ended; provided, however, that nothing herein contained shall prevent the parties from filing a motion to vacate, set aside, or modify such judgment or grant a new trial or rehearing within ten days, or change or destroy the office of motion for a new trial or rehearing, when so made. Such motions shall be filed with the clerk of the court and called to the attention of the court, and the court may thereupon hear the motion or make an order continuing the motion for hearing at a future day, which motion shall be heard and determined within thirty days from the date of rendering the judgment.

Section 20. The judge of this court shall have the power to impose fines and sentence to hard labor upon convictions in misdemeanor cases, and to punish for contempt by fine not to exceed \$50.00, and imprisonment in the county jail not to exceed five days, either or both, the same as judges of the circuit courts of this state. The judge of this court shall also have power to issue, hear, and determine writs of habeas corpus. The procedure, practice, and rules of the circuit courts of Alabama relating to such writs as are now, or which hereafter may be provided by law shall prevail in the Elmore County Court, and appeals from judgments or decrees in habeas corpus proceedings shall be governed by Code 1940, Title 15, Section 369. The judge shall have the same power relating to such writs as is now, or hereafter may be, conferred upon the judges of the circuit courts of Alabama; and such power shall extend to all cases where the judges of the circuit courts have the authority to issue such writs.

Section 21. The judge of this court shall keep an office in the court house of the county, or in such other suitable place in the county as the court of county commissioners may provide; and it shall be the duty of the court of county commissioners to provide an office for the judge, and to furnish and supply the office with the necessary fixtures, stationery, stamps, telephone, lights, heat, and other necessary supplies for the judge of this circuit; and it shall be the duty of the court of county commissioners, and they are hereby directed and authorized, to supply the clerk of the court the necessary minute books, dockets, blank forms, records books, and such other books, records, and blank forms, as are reasonably necessary to the dispatch of the business of this court.

Section 22. The Elmore County Law & Juvenile Court is hereby abolished and all cases and causes now pending in such

court, together with the records pertaining to such pending cases, are hereby transferred to the Elmore County Court. Immediately upon the passage and approval of this act or upon its otherwise becoming a law, such court shall assume complete jurisdiction over all such pending cases, and shall have the same power and control over the same as if they had been originally filed in the Elmore County Court, except as to appeals in habeas corpus cases. The clerk of this court shall enter on the appropriate dockets of this court, all cases now pending in the Elmore County Law and Juvenile Court. All judgments heretofore rendered by such court shall be the same and shall have the same force and effect as if they had been rendered by the Elmore County Court, and such court shall have the same power and control, except as to appeals in habeas corpus cases, over such judgments and shall issue executions and all other processes thereon, the same and as fully and completely as if such judgments had been originally rendered in the Elmore County Court. All of such executions and other processes issued on judgments heretofore rendered by the Elmore County Law and Juvenile Court shall be issued by the clerk of the Elmore County Court.

Section 23. If, for any reason any section, clause or provision of this act shall be declared to be invalid, or unconstitutional, it shall not be held to affect any other section, clause or provisions, but the same shall remain in full force and effect.

Section 24. All laws and parts of laws, whether local, general or special, in so far as they conflict with the provisions of this act, are hereby repealed.

Section 25. This act shall become effective October 1, 1969.

Approved July 17, 1969.

Time: 8:15 A.M.

Act No. 193

S. 431—Albea

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the Town of Weaver, Calhoun County, Alabama, so as to annex certain territory to the Town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Weaver, Calhoun County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the Town the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

65.0 Acres in Section 4, Township 15 South, Range 8 East, described as being the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 4 and all of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4 lying North of Parker Boulevard as shown by the Map of Shannon Hills Subdivision recorded in the Probate Office of Calhoun County, Alabama, in Plat Book G at Page 39.

Also: All that part of the East 4 acres of the South Half of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4, Township 15 South, Range 8 East, lying West of Parker Boulevard.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1969.

Time: 8:16 A.M.

Act No. 194

H. 787—Malone, Wright, Owens (W. E.)

AN ACT

To propose an amendment to the Constitution relating to the levy and collection of special property taxes for educational purposes in the territory of Etowah County exclusive of Gadsden and Attalla.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

Proposed Amendment

“The court of county commissioners, board of revenue or like governing body of Etowah County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property in the county situated outside the corporate limits of Gadsden and Attalla, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be

continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Gadsden and Attalla, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Gadsden and Attalla shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Amendment III, Article XIX, of the Constitution of Alabama. The tax on property situated outside the corporate limits of Gadsden and Attalla shall be collected in the same manner and under the same requirements and laws as the taxes of the State are collected, and the revenues derived from such tax shall be used solely for schools and other educational purposes in the territory of the county outside the corporate limits of Gadsden and Attalla.

“If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

“Nothing contained in this amendment shall be construed to authorize the levy and collection of an additional tax on property situated within the corporate limits of the Cities of Gadsden or Attalla.

“This amendment shall be self-executing.”

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 24, 1969.

Passed the Senate July 16, 1969.

To create offices of Deputy District Attorney No. 1, Deputy District Attorney No. 2, and Deputy District Attorney No. 3 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The offices of Deputy District Attorney No. 1, No. 2, and No. 3 of the Sixth Judicial Circuit are hereby created. These three Deputy District Attorneys shall be appointed by and shall serve at the pleasure of the District Attorney of the Sixth Judicial Circuit.

Section 2. Deputy District Attorney of the Sixth Judicial Circuit Place No. 1 shall be paid by the State of Alabama an annual salary of two thousand one hundred and no/100 (\$2,100.00) dollars payable as the salaries of other state officers are paid. Said officer shall be paid as additional compensation by Tuscaloosa County an amount of seventy-five hundred and no/100 (\$7,500.00) dollars per annum, which sum shall be paid from the general funds of the county in equal installments as the salaries of other county officers are paid.

Section 3. Deputy District Attorney of the Sixth Judicial Circuit Place No. 2 shall be paid by the State of Alabama an annual salary of two thousand four hundred and no/100 (\$2,400.00) dollars, payable as the salaries of other state officers are paid. Such officer shall be paid as additional compensation by Tuscaloosa County an amount of eight-four hundred (\$8,400.00) dollars per annum, which sum shall be paid from the general funds of the county in equal installments as the salaries of other county officers are paid.

Section 4. Deputy District Attorney of the Sixth Judicial Circuit Place No. 3 shall be paid by the State of Alabama an annual salary of two thousand two hundred fifty (\$2,250.00) dollars, payable as the salaries of other state officers are paid. Such officer shall be paid an additional compensation by Tuscaloosa County an amount of seventy-three hundred fifty (\$7,350.00) dollars per annum, which sum shall be paid from the general funds of the county in equal installments as the salaries of other county officers are paid.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1969.

Time: 4:20 P.M.

Act No. 196

S. 244—Lolley

AN ACT

To alter, rearrange, extend and redefine the boundary lines and corporate limits of the town of Hartford in Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Hartford in Geneva County are hereby altered, rearranged, extended and redefined so as to include within the corporate limits of the town, all territory now embraced within such corporate limits and also certain other additional and adjacent territory in said county, as follows:

Section 36, Section 25, the E $\frac{1}{2}$ of Section 26, and the E $\frac{1}{2}$ of Section 35 of Township 2 North, Range 23 East; and the N $\frac{1}{2}$ of Section 1, and the NE $\frac{1}{4}$ of Section 2, of Township 1 North, Range 23 East; and Section 30, Section 31, W $\frac{1}{2}$ of the W $\frac{1}{2}$ of Section 29, and the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of Section 32, all in Township 2 North, Range 24 East.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1969.

Time: 4:23 P.M.

SENATE JOINT RESOLUTION

Act No. 197

S.J.R. 31—Hawkins, Childs, Bailes, Dominick,
Vacca, Morrow, Gilmore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Science Building at Jefferson State Junior College be named the H. Y. Carson Building; that the Humanities Building be named the Bethune-DeRamus Building; and that the Student Center be named the Eugene Fitzgerald Building.

Approved July 22, 1969.

Time: 4:25 P.M.

Act No. 198

S.J.R. 32—McDermott, Pelham, Engel

SENATE JOINT RESOLUTION

WHEREAS, The Most Reverend Thomas J. Toolen, Archbishop-Bishop of the Diocese of Mobile-Birmingham, in September 1968 celebrated the fifty-eighth anniversary of his ordination as a priest, and

WHEREAS, of these long and fruitful years of service, forty-two years have been spent as Bishop of the Diocese of Mobile-Birmingham, and

WHEREAS, while these long years of service in our State have been difficult and demanding of Archbishop Toolen, yet they have proved most rewarding and beneficial not only to those of the Catholic faith but to all Alabamians, and

WHEREAS, although it may seem that each year witnesses difficulties and problems ever larger and more complex, still this great leader continues to guide his flock in a most capable, understanding and Christian manner, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Archbishop Toolen on his long and great record of service in Alabama and express our wish that God may grant him many more years of service in His ministry in our State.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Archbishop Toolen.

Approved July 22, 1969.

Time: 4:27 P.M.

Act No. 199

S.J.R. 33—McDermott

SENATE JOINT RESOLUTION

WHEREAS, Mr. Curtis E. Lord, Sr., and his lovely wife, Mrs. Ruth Lord, were recently nominated as American Legion Post Golden Legionnaires by the Woodie Dixon, Jr., Post of the American Legion in Prichard, where Mr. Lord is a charter member, and

WHEREAS, this outstanding couple has devoted a great amount of their time over the years to worthy civic, patriotic, and fraternal causes; Mr. Lord, a veteran of active military service in World War II, the Korean conflict, and the Berlin crisis, has been Post Commander of Woodie Dixon Post three times and is now serving in that office; he has served as 7th

district commander twice and has held other high Legion positions. Mrs. Lord has served as president of the Auxiliary three times and 7th district Auxiliary president twice and has held other Legion Auxiliary offices, and

WHEREAS, these fine persons are outstanding citizens of Chickasaw and have contributed greatly to the civic betterment of that city as well as to the City of Prichard, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend the hearty congratulations of this body to these outstanding citizens and convey our best wishes for many more years of similar accomplishments.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Mr. and Mrs. Lord and a copy sent to Woodie Dixon, Jr., Post, American Legion, in Prichard, Alabama.

Approved July 22, 1969.

Time: 4:27 P.M.

Act No. 200

S.J.R. 38—McDermott

SENATE JOINT RESOLUTION

WHEREAS, Mr. Ralph Parker, Project Engineer in the construction of the Mobile Industrial Park Road lost his life on September 23, 1968 while engaged on that project; and

WHEREAS, Mr. Parker was a fine gentleman, faithful and competent Highway Department Employee, and died while engaged in the prosecution of work which will greatly benefit both the Mobile area and the entire State of Alabama;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we deeply regret the passing of Mr. Parker and extend our heartfelt sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

Approved July 22, 1969.

Time: 4:28 P.M.

Act No. 201

S. 1—O'Bannon

AN ACT

To amend Act No. 326, H. 775, Regular Session 1963 (Acts 1963, p. 809), relating to judicial circuits composed of only one county and having a population of not less than 60,500 nor more than 65,000 inhabitants; which authorizes the appointment of a deputy circuit solicitor; so as to provide further for the compensation of such solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 326, H. 775, Regular Session 1963 (Acts 1963, p. 809), relating to judicial circuits composed of only one county and having a population of not less than 60,500 nor more than 65,000, according to the most recent federal decennial census, which authorizes the appointment of a deputy circuit solicitor is hereby amended to read as follows:

“Section 1. In all judicial circuits in the State of Alabama composed of only one county and having a population of not less than 60,500 and not more than 65,000 inhabitants according to the last or any succeeding federal decennial census, the solicitor of said circuit is authorized and empowered to appoint one deputy in addition to the deputy heretofore provided for by law. The compensation of such deputy solicitor shall be nine thousand six hundred dollars (\$9,600) per annum until he has served in such office for two years. After he has served for two years his compensation shall, on the recommendation of the circuit solicitor, be increased to a maximum of twelve thousand dollars per annum. The compensation of the deputy shall be payable in equal monthly installments, or in semi-monthly installments out of the general fund of the county composing such judicial circuit as other salaries are paid. Such deputy circuit solicitor shall be subject to the provisions of subsection 13 of Section 229 of Title 13, of the Code of Alabama of 1940.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1969.

Time: 4:30 P.M.

Act No. 202

S. 191—Folsom

AN ACT

To Authorize any bank situated in the City of Cullman, or having an authorized office or place of business therein, to establish, operate and maintain branch banks or additional offices or places of business in the City of Cullman.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank situated in the City of Cullman, or having an authorized office or place of business therein may, with the approval of the Superintendent of Banks of the State of Alabama, establish, maintain and operate branch banks, or additional offices or places of business for the receipt of deposits, payment of checks, making of loans, and conducting a general banking business.

Section 2. This Act shall be effective upon its approval by the Governor or upon its otherwise becoming law.

Approved July 22, 1969.

Time: 4:32 P.M.

Act No. 203

S. 219—Radney

AN ACT

To alter, rearrange and fix the boundaries and corporate limits of the town of Daviston in Tallapoosa County, annexing certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Daviston in Tallapoosa County are hereby fixed and described as follows, incorporating within the limits of the town all of Sections 14, 15, 16, 21, 22, 23, 26, 27 and 28 in Township 24 North, Range 24 East, Tallapoosa County, State of Alabama, to wit:

Begin at the northeast corner of Section 14 and run west along the section line for a distance of three miles to the northwest corner of Section 16, thence south along the section line three miles to the southwest corner of Section 28, thence east along the section line three miles to the southeast corner of Section 26, thence north along the section line three miles to the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1969.

Time: 4:35 P.M.

Act No. 204

S. 263—McCarley

AN ACT

To authorize the circuit clerk of Autauga County to appoint one deputy clerk and to provide for their compensation, repealing Act No. 318, H. 829, approved July 28, 1949 (Acts 1949, p. 449).

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the circuit court of Autauga County, Alabama, may appoint one deputy clerk to serve under his direction and at his pleasure. The deputy clerk so appointed shall be paid an annual salary of not less than \$3,600, and not more than \$4,800, which shall be fixed and determined by the Board of Revenue and Control, Court of County Commissioners, or other like Governing Body of the County and shall be paid in equal monthly installments, out of the Highway and Traffic Fund or the General Fund of the County upon proper claim being made.

Section 2. This Act supersedes Act No. 318, H. 829, approved July 28, 1949 (Acts 1949, p. 449) which is hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1969.

Time: 4:37 P.M.

Act No. 205

S. 375—Jackson

AN ACT

Relating to counties having populations of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits by the sheriff and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol concealed on or about the person or in a vehicle as provided in Code of Alabama 1940, Title 14, Section 177 shall be five dollars (\$5.00), which shall be collected by the sheriff.

Section 2. Four dollars of each fee so collected in any county coming within the purview of this Act shall be deposited in the general fund of the county, and one dollar thereof shall be deposited into a fund to be designated as the Sheriff's Fund. Said fund shall be drawn upon by the sheriff of the county or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit. The establishment of the Sheriff's Fund as provided in this Act, and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or for the operation of his office.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1969.

Time: 4:38 P.M.

Act No. 206

S. 425—Radney

AN ACT

To alter, rearrange, redefine, and extend the boundary lines and corporate limits of the Town of Camp Hill, in Tallapoosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Camp Hill in Tallapoosa County are hereby altered, rearranged, redefined and extended so as to include within the corporate limits of the Town a tract of land more particularly described as follows:

In Section 8, Township 21 North, Range 24 East: The Southwest quarter and the Southeast quarter.

In Section 9, Township 21 North, Range 24 East: The Southwest quarter and the Southeast quarter.

In Section 10, Township 21 North, Range 24 East: The Southwest quarter and the Southeast Quarter.

Section 17, Township 21 North, Range 24 East.

Section 16, Township 21 North, Range 24 East.

Section 15, Township 21 North, Range 24 East.

Section 20, Township 21 North, Range 24 East.

Section 21, Township 21 North, Range 24 East.

Section 22, Township 21 North, Range 24 East.

In Section 29, Township 21 North, Range 24 East: The Northwest quarter and the Northeast quarter.

In Section 28, Township 21 North, Range 24 East: The Northwest quarter and the Northeast quarter.

In Section 27, Township 21 North, Range 24 East: The Northwest quarter and the Northeast quarter.

All the above described lands lying in Sections 8, 9, 10, 15, 16, 17, 20, 21, 22, 29, 28, and 27, Township 21 North, Range 24 East, Tallapoosa County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1969.

Time: 4:40 P.M.

Act No. 207

S. 467—Radney

AN ACT

Relating to Tallapoosa County; to abolish the office of county treasurer and to provide for the selection of a county depository, to repeal Act No. 83, H. 266, Regular Session 1935 (Local Acts 1935, p. 19) which creates the office of county treasurer for Tallapoosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of county treasurer for Tallapoosa County, as provided for by Act No. 83, H. 266, Regular Session 1935 (Local Acts 1935, p. 19), entitled "An Act To Create And Establish The Office Of County Treasurer Of Tallapoosa County, To Provide For His Election, Fix The Term Of Office, To Prescribe His Duties And Fix His Compensation" shall be abolished upon the expiration of the term of the incumbent county treasurer. The court of county commissioners or other like governing body of said county shall on or before the first Monday in December of each year, select as a county depository an incorporated state or national bank or banks in the county

as provided in Article 2, Chapter 3, Title 12, Code of Alabama 1940, as amended, and said depository shall be in lieu of a county treasurer.

Section 2. All laws and parts of laws in conflict with this act are hereby repealed, and Act No. 83, H. 266, Regular Session 1935 (Local Acts 1935, p. 19) is specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1969.

Time: 4:41 P.M.

Act No. 208

S. 469—Radney

AN ACT

To alter, rearrange and extend the boundary of the City of Alexander City, Alabama, so as to include within the corporate limits thereof certain additional territory located in Section 22, Township 23 North, Range 21 East, Tallapoosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary of the City of Alexander City, Alabama, be and the same is hereby altered, rearranged, and extended so as to include within the corporate limits of said city certain additional territory described as follows, to-wit:

The east half of the Northeast Quarter of Section 22 and all that part of the Southeast Quarter of the Northwest Quarter of Section 22 lying east of the Convict Camp Road, all being in Township 23 North, Range 21 East, Tallapoosa County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 22, 1969.

Time: 4:43 P.M.

Act No. 209

H.J.R. 23—Wood

HOUSE JOINT RESOLUTION

A RESOLUTION TO THE CONGRESS OF THE UNITED STATES, THE ALABAMA CONGRESSIONAL DELEGATION, THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE OF THE UNITED STATES SENATE AND THE COMMITTEE OF INTERSTATE AND FOREIGN COMMERCE OF THE UNITED STATES HOUSE OF REPRESENTATIVES REQUESTING THAT AN INVESTIGATION BE MADE INTO THE MANNER IN WHICH THE INTERSTATE COMMERCE COMMISSION IS ALLOWING PASSENGER TRAIN SERVICE IN THE UNITED STATES TO BE SLAUGHTERED THROUGH SECTION 13a OF THE TRANSPORTATION ACT OF 1958.

WHEREAS, for many years the authority to discontinue passenger trains was left to the various state commissions having jurisdiction over same; and

WHEREAS, it was necessary for rail carriers to prove that by rights of convenience and necessity that discontinuing passenger service would not adversely affect the public and was a burden on interstate commerce to continue same; and

WHEREAS, with the passage of the amendment to the Transportation Act of 1958 gave the Interstate Commerce Commission authority and jurisdiction over applications filed under Section 13a of the Transportation Act; and

WHEREAS, many rail carriers have availed themselves of the opportunity, through Section 13a of the Transportation Act, to deprive the public of rail transportation by the removal of passenger trains and degrading their services and equipment so as to inconvenience the public.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING THEREIN:

That the Legislative Assembly of the State of Alabama request the Congress of the United States to initiate a Congressional investigation into the manner in which the Interstate Commerce Commission has allowed the mass slaughter of passenger trains; and

BE IT FURTHER RESOLVED, that the Congress of the United States be requested to declare a moratorium on all passenger train discontinuances until the investigation is complete and Congress determines what manner of authority will be required from the Interstate Commerce Commission to discontinue inter-city passenger trains.

BE IT FURTHER RESOLVED, that the Congress of the United States be informed that the authority granted the Inter-

state Commerce Commission under Section 13a of the Transportation Act of 1958 is not being used in the best interest of the citizens of the State of Alabama by approving the applications to discontinue 18 passenger trains over a period of 18 months.

BE IT FURTHER RESOLVED, that the Secretary of State be instructed to send copies of this resolution to the President of the United States; the President of the Senate of the United States; the Speaker of the House of Representatives of the United States; to the members of the Alabama Delegation of Congress; to the Chairman of the Committee on Interstate and Foreign Commerce of the United States Senate and to the Chairman of the Committee on Interstate and Foreign Commerce of the United States House of Representatives.

Approved July 22, 1969.

Time: 4:44 P.M.

Act No. 210

H.J.R. 75—Wood

HOUSE JOINT RESOLUTION

A RESOLUTION TO THE EXECUTIVE DEPARTMENT OF THE UNITED STATES GOVERNMENT, AND TO REPUBLICAN MEMBERS OF THE ALABAMA CONGRESSIONAL DELEGATION REQUESTING THAT THE ADMINISTRATION PLANS FOR MASSIVE CROSSTOWN BUSSING AND OTHER RADICAL SCHEMES TO DESTROY NEIGHBORHOOD SCHOOLS IN MOBILE BE RESCINDED.

WHEREAS the freedom of choice pupil assignment plan of the Mobile County Public School System has been found illegal by the U. S. Courts; and

WHEREAS the United States Department of Health, Education and Welfare has recently submitted a plan for Mobile schools calling for the massive crosstown bussing of school children; and

WHEREAS the Republican Administration, acting through Secretary of HEW, Robert Finch, is apparently committed to the complete destruction of neighborhood schools in Mobile County; and

WHEREAS the Administration plans will cost the Mobile School Board in excess of \$13 million to implement them; and

WHEREAS HEW has also suggested that the citizens of Mobile pay an additional 5 mils in property tax to carry out its

radical scheme, all of which is contrary to Mobile's democratic traditions.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING THEREIN:

That the Legislative Assembly of the State of Alabama requests the Republican Administration, and particularly the President of the United States, to take immediate steps to rescind the HEW plan requiring the massive crosstown bussing of Mobile school children.

BE IT FURTHER RESOLVED, that the Republican congressmen from the State of Alabama be requested to intercede on behalf of the people of Mobile County with the Executive Department, Secretary Robert Finch and other high administration officials, with the view of cancelling the radical and punitive plan to destroy the local public schools of Mobile County.

BE IT FURTHER RESOLVED, that the Secretary of State be instructed to send copies of this resolution to the President of the United States; the Secretary of Health, Education and Welfare; Congressman Jack Edwards; Congressman William Dickinson and Congressman John H. Buchanan.

Approved July 22, 1969.

Time: 4:45 P.M.

Act No. 211

H.J.R. 78—Collins (M)

HOUSE JOINT RESOLUTION

WHEREAS the Department of Health, Education and Welfare under the blind direction of its secretary, Mr. Robert H. Finch, is either wilfully or negligently completely destroying the Mobile County, Alabama school system by its amaurotic insistence upon busing thousands of students from one end of the county to the other for no purpose other than to achieve what it considers to be a "racial balance" of students; and

WHEREAS this insensate transportation of students without regard to the wishes of the children of either race or to those of their parents, will result not only in the closing of several good, well equipped, established Negro schools which were a source of pride to their patrons, (Central High School, Mobile County High School and the recently constructed Toulminville Jr. High School, to name a few, the closing of which is a costly and needless expense), but it will alienate sensitive relationships

and feelings of mutual respect which men of good will of both races have sought to achieve under the most difficult of circumstances for over a hundred years. Judging from our past experiences with the so-called guidelines of HEW, we do not in our wildest flights of fancy, imagine that this far-removed and arrogant department or its myopic secretary knows or cares about human relationships. It is not remotely aware that social equality can never be achieved either by legislation or by bureaucratic dictate, and it is perfectly willing to sacrifice equality in educational opportunity in order to impose its will; and

WHEREAS Mr. Finch, in an interview reported in U. S. News and World Report on March 10, 1969, answered as follows to the proposed questions. Question: "If it is determined that there is no intentional discrimination involved in an all-black school in an all-black neighborhood, is it your position that the school board should then be required to take affirmative action to break this up?"

Answer: "No. You have a number of situations, particularly in the North, where you find that. You have it here in the District of Columbia. And it seems to be that no one should expect—just in order to achieve some kind of 'salt-and-pepper' effect—that we should haul kids into a situation where, again, you may end up lessening their opportunities for learning just in order to say, 'Now there are a certain number of whites in what would otherwise be an all-black situation.' The Negroes don't want that, either."

Why does this seemingly perceptive approach apply only in Northern areas where many Negroes have recently moved and have been purposefully relegated to so-called ghettos, yet does not apply to Southern areas where Negro neighborhoods are the natural outgrowth of years of personal choice?

In the same report, to the further question: "You're not going to insist on busing to achieve racial balance - -", Mr. Finch answered, "No. The law forbids it." We know of no change in the law since that date. Mr. Finch further indicated that his primary interest was in securing equal educational opportunities for all races. Does HEW suffer from tunnel blindness, and is Mr. Finch the victim of its contagion? We think not. We believe the current practices of HEW are the result of nothing more than political expediency motivated by the administration's desire to placate a vicious, communistic group dead set on destroying the public school systems throughout our land. This group is not representative of the responsible element of any minority, but it is taking every advantage of ignorance and stupidity at governmental levels in order to achieve chaos and havoc at local levels; and

WHEREAS during his recent campaign for the presidency, President Nixon expressed the thought that this is a good time to consider the possible benefits decentralization might bring, including the possible solution for the problem of public schools, welfare, poverty programs and racial equality. He said, "Power has been flowing to Washington for a third of a century, and now its time to start it flowing back—to the states, to the communities, and to the people." Now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Finch be respectfully requested to reappraise the Mobile County, Alabama public school system, which is on the brink of total destruction as the result of the invidious directives of HEW. These nationwide directives have become so increasingly contradictory, muddled and obscure as to be interpreted in some areas of the country in any manner so desired, but they have come through loud and clear as to the intendment of the complete annihilation of the Mobile County, Alabama public school system. We beseech Mr. Finch to reassess the situation in Mobile County and to change HEW directives to such extent that the education of all children may proceed in a peaceful, orderly and effective manner.

BE IT FURTHER RESOLVED that each member of Alabama's Congressional Delegation be strongly urged to use the full extent of his ability and influence to change the senseless directives of HEW in order to save the Mobile County, Alabama public school system from total destruction, and to turn these schools back to local authorities in accordance with President Nixon's avowed intentions during campaign times.

RESOLVED FURTHER that copies of this resolution be sent to the President of the United States, to each member of Alabama's Congressional Delegation, to Mr. Finch and to the Department of Health, Education and Welfare.

Approved July 22, 1969.

Time: 4:48 P.M.

Act No. 212

H.J.R. 80—Bolton, Smith, Mathews

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that strip of road in Talladega County and Clay County, designated State Highway 148, which connects State Highway 9 at Miller-

ville, Alabama with State Highway 21 and U. S. Highway 231 at Sylacauga, Alabama, is hereby designated and shall be known as "The Bill Nichols Scenic Highway."

BE IT FURTHER RESOLVED, That the state highway department is authorized and directed to have erected and maintained at the entrances to the road appropriate signs or markers designating the road as above provided.

Approved July 22, 1969.

Time: 4:50 P.M.

Act No. 213

H. 431—Lemley

AN ACT

Relating to counties having population of not less than 25,400 nor more than 25,600 according to the most recent federal decennial census; providing for payment of in county travel expenses for county commissioners, payable from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 25,400 nor more than 25,600 according to the most recent federal decennial census, each commissioner of the county shall be entitled to mileage at the rate of ten cents (\$.10) per mile for each mile traveled on official county business within the county, provided however, that the mileage payments provided herein shall not exceed the sum of one-hundred dollars (\$100.00) per month, said mileage to be paid from funds in the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 23, 1969.

Time: 8:50 A.M.

Act No. 214

S. 293—Jackson

AN ACT

Relating to counties having a population of not less than 33,000 nor more than 35,000; to authorize the boards of registrars in such counties to meet an additional ten days per year and to be paid a travel allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census, the boards of registrars shall be authorized to meet ten days per year in addition to the regular registration days provided by law outside of county seat in municipalities to be designated by the county board of revenue. Each registrar shall receive the same per diem pay as provided by law for other registration days, to be paid in the same manner and disbursed by the judge of probate. Chairman of board of registrar shall also receive an allowance for actual travel expenses not to exceed \$100 per year, to be paid in the manner prescribed by law.

Section 2. All general, local or special laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This act became a law on July 24, 1969 under Section 125 of the Constitution without approval by the Governor.

Act No. 215

S. 211—Givhan

AN ACT

To amend further Section 1, Act No. 11, S. 59, Regular Session 1959, as amended, an act fixing the compensation of certain officers of Dallas County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 11, S. 59, Regular Session 1959, as amended, (Acts 1959 p. 416), an act fixing the compensation of certain officers of Dallas County, is hereby amended to read as follows:

“Section 1. The compensation of the Probate Judge, Tax Collector, Tax Assessor, Sheriff, Clerk and Register of the Circuit Court and Members of The Court of County Revenues of Dallas County, Alabama shall be as follows:

Probate Judge	\$15,500.00
Tax Collector	13,500.00
Tax Assessor	13,500.00
Sheriff	13,500.00
Clerk and Register of the Circuit Court	13,500.00
Each Member of The Court of County Revenues ...	4,500.00

"In addition the compensation hereinabove fixed for Members of the Court of County Revenues, each of said Members shall be entitled to six hundred dollars (\$600.00) per annum as an expense allowance, payable in equal monthly installments. This expense allowance is in addition to any expense allowance or reimbursement payable to said officers under any laws of the State of Alabama."

Section 2. This Act shall take effect immediately upon its enactment.

Approved July 25, 1969.

Time: 10:00 A.M.

Act No. 216

H. 669—Neville, Paulk

AN ACT

Relating to counties having populations of not less than 26,000 and not more than 27,000; providing an additional mileage allowance for the members of the governing body of such counties to be used in attending certain conventions.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of revenue, court of county commissioners or other like governing body in any county having a population of not less than 26,000 and not more than 27,000 according to the most recent federal decennial census shall when authorized by the said governing body be entitled to a mileage allowance of ten cents per mile for attending any state or national convention of the Association of County Commissioners of Alabama, or the National Association of Counties, or their successor organizations.

Such allowance shall be in addition to any other expense or mileage allowance authorized by law and shall be paid out of the general fund of the county as prescribed by law.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1969.

Time: 10:05 A.M.

Act No. 217

S. 130—Lindsey, McDermott, Giles, Clark, Radney, Pierce, O'Bannon, Torbert, Nabors, Folsom, Harris, Engel, Turner, Goodwyn, Skidmore, Leonard, McCarley, Branyon, Jackson, Dominick, Hawkins, Childs

AN ACT

To make further provisions respecting distribution to municipalities, under Act No. 224 adopted at the 1967 Special Session of the Legislature of Alabama, of that portion allocated to municipalities under the said Act No. 224 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular Session of the Legislature; and to that end, (a) to amend Sections 5 and 7 of the said Act No. 224, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities under Section 5 of the said Act No. 224 that have not yet been distributed to the said municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Amendment of Act No. 224, 1967 Special Session. Act No. 224 adopted at the 1967 Special Session of the Legislature of Alabama, which relates to the distribution and use of proceeds from that certain excise tax, referred to in the said act as (and herein called) the "highway gasoline tax," and consisting of (a) the excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, exclusive of those portions of the said tax in respect of aviation fuel and marine gasoline, as those terms are used in the said Section 647, and (b) the excise tax levied by Section 674 adopted at the 1961 Regular Session of the Legislature, as amended, exclusive of that portion of the said tax in respect of diesel fuel, is hereby amended as follows:

(A) Section 5 of the said Act No. 224 shall be and hereby is amended to read as follows:

Section 5. Disposition of Sums Allocated and Apportioned to Counties. The amounts allocated or apportioned to each county pursuant to each of Sections 3 and 4 of this Act shall be disposed of as follows: (a) Ten per centum (10%) of the amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis

of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census; and (b) the remaining portion of the amount so allocated or apportioned to each county shall be distributed to the county with respect to which such allocation or apportionment is made. The distributions provided for in this paragraph shall be made monthly.

The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of Section 13 of Title 37 of the Code of Alabama of 1940. Any municipality incorporated after September 30, 1967, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the highway gasoline tax by the State during October of the fiscal year next succeeding the said incorporation.

When requested so to do by any municipality, the highway department may at its discretion make available the services and advice of its engineers and other employees with respect to any work for which that municipality proposes to expend moneys distributed to it under this act. Any such services and advice that may be so made available shall be provided under such terms and conditions as may be mutually agreeable to the highway department and the municipality.

(B) Section 7 of the said Act No. 224 shall be and hereby is amended to read as follows:

Section 7. *Use of Net Tax Proceeds for Highway Purposes.* Wherever in this act any portion of the net tax proceeds is provided to be applied or used for highway purposes, the same shall be used as follows:

(a) Where the use is by the highway department, such use shall, with the approval of the Governor, be for the construction of public roads and bridges in the state, the maintenance of public roads and bridges on the state highway system, the equipment and preparation of convicts for use upon the public roads and bridges in the state, the maintenance of such convicts while at work upon such roads and bridges, the compensation to the state for the said use of such convicts, and for such other public road and bridge purposes in the state as may be authorized by the highway department with the approval of the Governor;

(b) Where the use is by a county, such use shall be for transportation planning, the construction, reconstruction, main-

tenance, widening, alteration and improvement of public roads and bridges as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the net tax proceeds were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in Act No. 838 adopted at the 1953 Regular Session of the Legislature;

(c) Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged;

provided, that no part of the net tax proceeds referred to in this section shall be expended contrary to the provisions of the constitution; and provided further that funds distributed to municipalities under the provisions of this Act shall not be commingled with other funds of the municipality and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

Section 2. Disposition of Accrued Highway Gasoline Tax Proceeds Allocated to Municipalities Prior to the Effective Date of this Act. The State Treasurer shall, within thirty days after the effective date of this act, pay over and distribute to each municipality all monies theretofore allocated and accrued to the said municipality under the provisions of Act No. 224, except those monies which, by the terms of a written agreement theretofore executed between the highway department and a municipality, is due and payable to the highway department. The highway department shall, within five days after the effective date of this act, file with the state treasurer a certificate, signed by the highway director, showing the amount of money due to the highway department under the terms of the aforesaid written agreement and the highway director shall furnish a copy of the said certificate to the applicable municipality. The state treasurer shall, within thirty days after receipt of the said certificate, pay over to the highway department, out of monies allocated to the said applicable municipality under the said Act 224, prior to the effective date of this act, the amount stated in the said certificate and shall pay over to the said municipality any residue of monies allocated to such municipality as aforesaid. None of the provisions of this section shall be deemed to prevent the highway department and any municipality from entering into any arrangement mutually

agreeable to them for payment of any compensation to the highway department that the municipality may have agreed to make in any contract entered into prior to the effective date of this act. The highway department and any such municipality are hereby specifically authorized to enter into any other arrangement, and in the event mutually satisfactory arrangements for payment of any such compensation are made between the said department and any municipality, the department shall not file the certificate hereinabove provided for with respect to that municipality.

Section 3. Provision for Continued Reimbursement of the Highway Department from Funds accruing under Act 224 to Fulfill Prior Agreements and Future Obligations. Where the funds accrued to a municipality, under Act 224, are insufficient to pay the obligation of a municipality for services completed, in progress, or to be accomplished as established by terms of prior agreements with the highway department, the state treasurer shall each month pay into the highway department from funds accruing under Act 224 to such municipality such amount due the highway department until the services are completed and the obligation of the municipality is paid in full, and shall pay any residue, after final payment to the highway department, over to the said municipality.

Where agreements between the highway department and a municipality are executed subsequently to the effective date of this act for services to the municipality, payment for such services may be made by the state treasurer from funds accruing to the credit of the said municipality directly to the highway department in accordance with the terms of the agreement.

Section 4. All agreements between the highway department and the municipalities entered into under the provisions of Act 224 in which highway department funds, forces, and/or equipment are not involved are hereby cancelled upon the effective date of this act. Where the state highway department has received an administrative cost of five per cent (5%) under such agreements the highway department shall, within 30 days after the effective date of this act, pay to the state treasurer five per cent (5%) of the remaining project budget balance after any special engineering cost has been deducted. Special engineering is defined as any engineering work performed over and above routine checking of plans and usual administrative procedures. The state treasurer shall, when such funds have been received from the highway department, remit such funds to the appropriate municipality.

Section 5. This Act Inapplicable Where Section 5 of Act No. 224 has been Superseded by Local Act or General Act of

Local Application. The provisions of this act are not intended to be referable to, and they shall have no application with respect to, the distribution of the highway gasoline tax among any county and the municipalities therein pursuant to the provisions of any local act or general act of local application which by its terms supersedes Section 5 of the said Act No. 224.

Section 6. Severability. The provisions of this act are hereby declared severable. If any part of this act should be held invalid, such holding shall not affect the part which remains.

Section 7. Effective Date. This act shall become effective on the first day of the second month following its being signed by the Governor or otherwise becoming law.

Approved July 29, 1969.

Time: 10:50 A.M.

Act No. 218

S. 20—Skidmore

AN ACT

To amend section 5 of Act No. 755, Regular Session 1967 (Acts 1967 p. 1609) which act provides for supernumerary tax collectors, tax assessors or other elected officials charged with assessment and/or collection of ad valorem taxes in various counties, to allow persons eligible for those positions to be appointed whether or not they are eligible for retirement under another retirement plan.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 755, Regular Session 1967. (Acts 1967 p. 1609) is hereby amended to read as follows:

“Section 5. If such official is eligible for retirement under any state or county retirement act, he shall be allowed to elect whether he shall be appointed to a supernumerary office as provided herein, or become a beneficiary under such retirement plan. Any person eligible for appointment as a supernumerary official, who is a beneficiary under a county or state retirement system, may within sixty days from the effective date of this amendment, withdraw from such retirement plan and accept supernumerary appointment as provided herein.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:16 P.M.

Act No. 219

S. 54—Torbert, Radney

AN ACT

To make an appropriation to Auburn University for operation and maintenance of the school at Montgomery.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund the sum of \$200,000.00 to Auburn University for operation and maintenance of the school at Montgomery.

Section 2. This bill shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:16 P.M.

Act No. 220

S. 128—Lolley

AN ACT

Making an appropriation from the state treasury for the relief of G. W. Hardwick of Enterprise, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$110.00 is hereby appropriated from any unpledged funds in the state treasury deposited to the credit of the State Highway Department for the relief of G. W. Hardwick of Enterprise, Alabama as reimbursement for property damage caused when a state highway department tractor collided with his automobile in December 1967.

Section 2. The state comptroller is hereby directed to issue a warrant on the state treasury in favor of G. W. Hardwick of Enterprise, Alabama for the amount of \$110.00.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:18 P.M.

Act No. 221

S. 176—Giles

AN ACT

To provide for compliance with provisions of Article 3 of Title 47 of the Code of Alabama of 1940 requiring entry of partial payments of indebtedness secured by mortgage or other encumbrance on the margin of the record by the furnishing of a separate written instrument.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person required by the provisions of Article 3 of Title 47 of the Code of Alabama of 1940, and more particularly Sections 175, 176 and 177 thereof, to make any entry of partial payment on the margin of the record may fully discharge his obligation to make such entry by executing a separate instrument which properly identifies such mortgage, deed of trust or other encumbrance, and which clearly states the information required otherwise to be entered on the record or margin thereof, and by delivering such instrument or depositing the same in the United States mail properly stamped and addressed, to the person who requests such entry, but the person requested to make such entry shall not be required to file such separate instrument for record; provided however that such separate instrument so to be furnished shall be so prepared and acknowledged that the same shall be admitted to record in the office of the judge of probate where such mortgage, deed of trust or other encumbrance is recorded.

Section 2. The execution and delivery, as provided herein, of the separate instrument setting forth the date and amount of credit or partial payment shall be conclusively deemed to be a full compliance with any requirement of the provisions of said Sections 175, 176 and 177 of Title 47 of the Code of Alabama of 1940 for entry of partial payments on any record in any Probate Office of this State.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:19 P.M.

Act No. 222

S. 225—Cooper

AN ACT

Relating to the destruction of public records; authorizing the state treasurer to destroy certain cancelled state warrants and the journals pertaining to such warrants; and repealing Act No. 589, H. 141, of the Regular Session of 1957 (Acts of 1957, p. 826) and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Treasurer may in his discretion destroy or cause to be destroyed any cancelled state warrants at any time after the expiration of six years after the date on which the warrants were issued, provided such warrants have been photographed or microphotographed as authorized by law; and he shall likewise have the power and authority to destroy or cause to be destroyed the journals pertaining to or covering such warrants.

The State Treasurer shall not be required to obtain the permission, approval or consent of any state officer, agency, or commission to destroy such records, the provisions of any other law to the contrary notwithstanding.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Act No. 589, H. 141, of the Regular Session of 1957 (Acts 1957, p. 826) is repealed and superseded by this Act. All other laws or parts of laws in conflict herewith are also hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:20 P.M.

Act No. 223

S. 226—Cooper

AN ACT

To amend Code of Alabama 1940, Title 55, Section 223, which relates to the records of the state treasurer relative to cancelled coupons on coupon bonds issued by the State so as to require and regulate the making and auditing of certain records relative to coupon bonds and the destruction of certain cancelled bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 55, Section 223, is hereby amended to read as follows:

"Section 223. The treasurer must enter, in suitable books kept for that purpose, a record of all paid and cancelled coupons of the several classes of coupon bonds issued by the state, and all coupon bonds which the state may hereafter issue, such record to be made as soon as practicable after such payment and cancellation; and the examiner of public accounts, from time to time, shall examine the cancelled bonds and coupons and shall compare

such bonds and coupons with the record made thereof, as required by this section, and with the interest and redemption ledger kept by the treasurer, and immediately after such examination the treasurer and the examiner of public accounts shall then destroy such bonds and coupons, and the state examiner shall certify to the fact of the destruction of such bonds and coupons, on the aforesaid record required to be kept by this section."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:21 P.M.

Act No. 224

S. 227—Cooper

AN ACT

To provide a method for indication of the Governor's approval of vouchers or accounts payable by the State Comptroller, which require the Governor's approval, by method of certification of the department director or executive officer requesting payment.

Be It Enacted by the Legislature of Alabama:

Section 1. On all vouchers or accounts for payment of state funds by warrant of the State Comptroller which, by general or special law, require the approval of the Governor such approval may be indicated thereon by method of certification by the director or executive officer duly designated for the department requesting payment that the Governor's approval has been obtained.

Section 2. Certification executed pursuant to this act shall constitute prima facie evidence of the Governor's approval for such payment.

Section 3. All laws or parts of laws, general or special, in conflict with the provisions of this act are hereby repealed.

Section 4. The provisions of this act are hereby declared severable. If any part thereof shall be held to be unconstitutional or void, the remainder of this act shall continue in full force and effect and such declaration shall not affect the parts remaining.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:22 P.M.

Act No. 225

S. 228—Cooper

AN ACT

To authorize all departments and agencies of the State of Alabama to execute and enter into lease sale contracts for the procurement of materials, machinery and other equipment; to require that such contracts be subject to and comply with the provisions of Chapter 4, Title 55 and Chapter 21, Title 55, Code of Alabama 1940 (Recompiled 1958).

Be It Enacted by the Legislature of Alabama:

Section 1. All departments and agencies of the State of Alabama may, subject to the provisions of Chapter 4, Title 55 and Chapter 21, Title 55, Code of Alabama 1940 (Recompiled 1958), execute and enter into lease sale contracts for the procurement of materials, machinery and other equipment which is necessary to enable such State department or agency to carry out the obligations imposed by law upon such agency or department of the State of Alabama and which is in the best interest of the State of Alabama. All contracts under this act must be approved in writing by the Governor or by the Director of Finance when so authorized by the Governor.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws in conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:23 P.M.

Act No. 226

S. 240—Pierce

AN ACT

To provide for the voiding of state warrants outstanding at the close of the fiscal year next following the fiscal year in which they were issued, and for the barring of the claims based thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. Any warrant heretofore or hereafter drawn by the State Comptroller on any fund in the State Treasury which has not been presented for payment and is (or was) outstanding and unpaid at the close of the fiscal year next following the fiscal year in which it was issued shall be void and payment of the warrant shall be stopped by the State Treasurer. Any claim on which any such voided warrant was based shall be forever barred after the expiration of six years from the date on which the warrant was issued. If at any time during such six-year period, the claimant makes satisfactory proof to the department, board, institution, or other agency on whose account the warrant was issued that the warrant issued in his behalf has been voided and that his claim is unsettled, a new warrant shall be issued to the claimant in lieu of the voided warrant, and such new warrant shall be refunded out of the State General Fund.

Section 2. Upon the expiration of the period of time provided herein for the voiding of warrants, the State Treasurer shall draw his check in the amount of the voided warrant payable to the State General Fund.

Section 3. Duplicate warrants issued to replace warrants which have been lost, mutilated, or destroyed shall be deemed to be original warrants for the purposes of this Act.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:24 P.M.

Act No. 227

S. 249—Engel, McDermott, Givhan, Cooper

AN ACT

To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$4,000,000 principal amount of bonds in addition to those heretofore authorized; to provide that the proceeds of said bonds shall be used for the payment of expenses of issuing said additional bonds, and for the payment of the costs of the work required of the Alabama State Docks as the local sponsoring agency for the improvement in Mobile Harbor, Alabama, known as the Theodore Ship Channel project or for the construction, dredging of approaches thereto, improvement and equipment of additional seaport facilities within the State; to permit the issuance hereunder of additional parity bonds, secured on a parity of lien with all bonds issued hereunder, provided the said additional parity bonds

are hereafter authorized by the Legislature of Alabama; to provide for the details of bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to authorize said Department, with the approval of the Governor, to issue its notes not exceeding \$2,000,000 in principal amount in evidence of temporary loans made to it; to provide that bonds and notes issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of revenues of said Department; to designate the revenues from which the principal of and the interest on bonds and notes issued hereunder may be made payable; to provide for and authorize the pledge of the said revenues for payment of the said principal and interest; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing the same or any pledge or instrument securing the same; to provide that all bonds and notes issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds and notes issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits of funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful investments for fiduciary funds; and to provide for the disposition of the revenues of the said Department while any of said bonds or notes are outstanding.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this Act, unless the context plainly indicates otherwise, the present tense shall include the future tense, the singular shall include the plural, the plural shall include the singular, and the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Additional parity bonds” means any bonds that may be hereafter authorized by subsequent legislation, and that are issued by the Department and secured on a parity of lien with all bonds, pursuant to any privilege reserved by the Department under the provisions of Section 4 of this Act.

“Bonds”, when not preceded by any of the words “new” or “additional parity”, means and includes new bonds and additional parity bonds.

“Department” means the Alabama State Docks Department established by Act No. 103 adopted at the Regular Session of 1955 of the Legislature of Alabama, and any department or agency of the State that may succeed to the functions of said Alabama State Docks Department.

“Director” means the Director of the Department or any official that may succeed to his duties.

“Governor” means the Governor of the State.

“New bonds” means the bonds authorized in Section 3 hereof.

"Notes" means notes issued hereunder.

"Order" means an order made by the Director and approved by the Governor.

"Seaport facility" means any improvements, including any real or personal property, structure, dredging of approaches thereto, or facility used or useful in promoting, developing, constructing, maintaining or operating seaports within the State.

"Secretary-Treasurer" means the secretary-treasurer of the Department, or any person that may succeed to or perform the duties of said secretary-treasurer.

"State" means the State of Alabama.

Section 2. Declaration of Legislative Intent. The object of this Act is to provide funds for the payment of the costs of the work required of the Alabama State Docks as the local sponsoring agency for the improvement in Mobile Harbor, Alabama, known as the Theodore Ship Channel project or for the construction, improvement, dredging of approaches thereto and equipment of additional seaport facilities. This Act shall be liberally construed in order to effectuate its object.

Section 3. Power to Issue New Bonds. Subject to the provisions of this Act, the Department, with the approval of the Governor, may from time to time and at any time sell and issue new bonds, not exceeding \$4,000,000 in aggregate principal amount, for the following purposes:

(a) to pay the reasonable and necessary expenses of issuing the new bonds; and

(b) to provide funds for the payment of the costs of the work required of the Alabama State Docks as the local sponsoring agency for the improvement in Mobile Harbor, Alabama, known as the Theodore Ship Channel project or to provide funds for the construction, improvement, dredging approaches thereto, and equipment of additional seaport facilities, provided that a part of such sum not exceeding \$2,000,000 may be used to repay or fund any notes that may have been issued by the Department in evidence of temporary loans made to it in anticipation of the sale of bonds for any of said purposes.

Section 4. Additional Parity Bonds May be Hereafter Authorized. In any order under which new bonds may be issued the Department may reserve the privilege of issuing, upon compliance with such conditions as may be specified in said order, additional parity bonds, secured on a parity of lien with the bonds at any time outstanding; provided that no additional parity bonds shall be issued pursuant to any such reserved privilege unless

such additional parity bonds shall have been authorized by the Legislature of Alabama. Additional parity bonds so issued shall be payable out of the same revenues as the bonds, and shall be secured by a pledge of the revenues herein authorized to be pledged for the bonds on a parity with all pledges of said revenues for the benefit of the bonds theretofore and thereafter issued. The limitation set forth in Section 3 hereof on the principal amount of bonds that may be issued pursuant to that section shall not apply to additional parity bonds.

Section 5. Temporary Loans. The Department, with the approval of the Governor, may from time to time issue its interest bearing notes not exceeding \$2,000,000 in aggregate principal amount, to mature not later than eighteen months from the date of their issuance, and to be executed in the same manner that bonds are hereinafter in Section 7 authorized to be executed. Such notes may be sold at public sale as the Department may direct, and shall be repayable solely from the revenues which the Department is herein authorized to pledge for payment of its bonds, and also from the proceeds of any securities that may subsequently be issued to retire or fund such notes.

Section 6. Details Respecting the Bonds. The bonds may be issued in one or more series, shall be in such forms and denominations and of such tenor, shall mature in annual installments the first of which shall mature not later than one (1) year and the last of which shall mature not later than twenty (20) years from their respective dates, provided that the largest installment of principal and interest maturing thereon in any one year shall not exceed twice the preceding smallest installment of principal and interest maturing in any prior year, shall bear such rate or rates of interest payable and evidenced in such manner, all as may be provided in the order or orders of the Director wherein any of the bonds are authorized to be issued; provided, that no such order shall be valid without the written approval of the Governor. Said order or orders may provide for any or all of the following: the use and disposition of the revenues of the Department; the setting aside of reserves for the bonds; the disposition and administration of any such revenues and reserves; the order in which the bonds shall be payable; limitations on the purpose or purposes to which the proceeds of sale of any of the bonds may be applied; the procedure, if any, by which the terms of any contract with the holders of any such bonds may be amended or abrogated; the amount of bonds the holders of which must consent to such amendment or abrogation; the manner in which such consent may be given; and any other provisions not inconsistent with this Act. The Department, subject to the provisions of the bond order relating to the sale

of \$10,000,000 general obligation bonds of the State of Alabama dated March 1, 1964, shall have the power to prescribe, in the order under which the first series of the bonds are issued, the terms and conditions under which bonds may thereafter be issued for the purposes described in Section 4 of this Act. The Department may at its election retain in the order or orders under which any of the bonds are issued an option to redeem all or any thereof at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in said order or orders and as may be briefly recited in the face of the bonds with respect to which such option of redemption is retained. Any of the bonds having stated maturities more than five years after the date thereof shall be made subject to redemption at the option of the Department not later than the end of the fifth year after the date thereof and on any interest payment date thereafter, under such terms and conditions as may be provided in the order or orders authorizing the issuance of such bonds. The redemption price or prices of bonds shall not exceed the principal amount thereof plus any unpaid interest thereon to the date fixed for redemption, plus a premium which shall not exceed twelve (12) months' interest thereon.

Section 7. Execution of the Bonds. The bonds shall be issued in the name of the Department and shall be signed by the Director, and the seal of the Department shall be impressed thereon and attested by the Secretary-Treasurer, and all interest coupons applicable to the bonds shall be signed by the Director; provided, that the signature of one, but not of both, of said officers may be printed or otherwise reproduced in facsimile or any of the bonds in lieu of their being manually signed, the signature of the Director may be printed or otherwise reproduced in facsimile on the interest coupons in lieu of their being manually signed, and the seal of the Department may be printed or otherwise reproduced in facsimile on the bonds in lieu of being manually impressed thereon, all as may be provided in the order under which the bonds are issued.

Section 8. Sale of the Bonds. Any of the bonds may be sold at any time and from time to time as the Director, with the approval of the Governor, may deem advantageous. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Department for the bonds being sold, computed from the date of those at the time being sold to their respective maturities; provided, that if no bid acceptable to the Department is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper

then published in the State and which is customarily published not less than five days during each calendar week, each of which notices must be published one time not less than ten days prior to the date fixed for the sale. The terms and conditions under which each such sale may be held shall be fixed in an order; provided, that none of the bonds may be sold for a price less than the face value thereof plus accrued interest thereon to the date of their delivery; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Approval by the Governor of the terms and conditions under which any of the bonds may be issued shall be requisite to their validity. Such approval shall be entered on the order by which the bonds proposed to be issued are authorized, which shall be signed by the Governor. Such approval by the Governor may be shown on any series of the bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization of such action is contained in the said approval signed by him. Neither a public hearing nor consent by the Department of Finance of the State or any other department or agency shall be prerequisite to the issuance of any of the bonds.

Section 9. Bonds and Notes to be Limited Obligations; Pledge Therefor. The bonds and notes shall never be or constitute a debt of the State within the meaning of any constitutional provisions, and neither the faith nor the credit of the State shall ever be pledged or utilized therefor. The bonds and notes shall not be general obligations of the State or of the Department, but shall be payable solely out of revenues of the Department as herein provided. The bonds issued hereunder will be secured on a parity with the bonds issued pursuant to the Amendment to the Constitution of Alabama that was proposed by Act No. 224 adopted at the Regular Session of the Legislature of Alabama of 1963, the bonds issued pursuant to the Amendment to the Constitution of Alabama that was proposed by Act No. 39 adopted at the First Extraordinary Session of the Legislature of Alabama of 1965, and the bonds issued pursuant to the Amendment to the Constitution of Alabama that was proposed by Act No. 109 adopted at the First Extraordinary Session of the Legislature of Alabama of 1967 by a pledge of the pledged revenues.

Subject to the provisions of the bond order relating to the sale of \$10,000,000 principal amount of general obligation seaport facilities bonds of the State of Alabama dated March 1, 1964, any order authorizing the issuance of bonds or notes may pledge for payment of the principal thereof and interest thereon the revenues out of which they are payable.

Section 10. Notice of Order Authorizing Issuance of Bonds. Upon the entry of any order providing for the issuance of bonds, the Department may, in the discretion of the Director, cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in the State not less than five days in each calendar week, a notice in substantially the following form (the blanks being properly filled in), to be signed with the printed signature of the Director: "Alabama State Docks Department, an agency of the State of Alabama, on the _____ day of _____, 19____, made an order providing for the issuance of \$_____ principal amount of bonds of the Department for the following purpose or purposes: (Here shall be inserted a brief and general description of the purpose of the issue). Said bonds are payable solely from revenues of the Department as described in said order. Any action or proceeding questioning the validity of said order or of the said bonds, or the pledge or any instruments securing said bonds, must be commenced within twenty days after the first publication of this notice. _____, Director of Alabama State Docks Department." Any action or proceeding in any court to set aside or question the order for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds or the validity of the pledge and any instruments made to secure such bonds must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said order, the said bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said order, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 11. The Bonds and Notes and the Income Thereon Exempt from Taxation; the Bonds and Notes shall be Deemed Negotiable, and May be Used to Secure Deposits and for Investment of Fiduciary Funds. The bonds and the notes and the income therefrom shall be exempt from all taxation in the State. The bonds and the notes, when unregistered, shall be construed to be negotiable instruments although payable solely from a specified source as herein provided. Any of the bonds and notes may be used by the holder thereof as security for the deposit of any funds belonging to the State or to any instrumentality or agency of the State in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law, invest trust or any fiduciary funds in any of the bonds and notes.

Section 12. Severability Clause. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 13. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved July 29, 1969.

Time: 6:25 P. M.

Act No. 228

S. 291—McDermott

AN ACT

Relating to the authority of the Highway Director to alter plans or character of work on construction projects after they have been let to contract; to determine the need for new or additional work not contemplated or included in the original construction contract; and to enter into a supplemental agreement with the prime contractor for extra work or to direct the prime contractor to perform the extra work on a force account basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The following implementation of the provisions of the Alabama State Highway Department Standard Specifications for Highways and Bridges as enumerated hereafter, be and is hereby adopted as a statutory provision; any and all other laws in conflict not withstanding and the implementation of said provisions are hereby adopted:

A. Alterations of Plans or Character of Work. The Highway Director shall have the authority to make, at any time during the progress of any construction on any highway project under his jurisdiction, such changes or alterations of construction details, including alterations in grade or alignment of roadway or bridges or both, as may be necessary or desirable for the successful completion of the project. Be it expressly understood that the aforementioned changes or alterations may or may not increase or decrease the original planned quantities; however, under no circumstances shall changes or alterations involve any work beyond the termini of the original construction project, except as may be necessary to satisfactorily complete the project in the most feasible and economical manner in the judgement of the Highway Director.

B. Extra Work. The Highway Director shall have the authority to determine the need for new or additional work not contemplated or included in the original construction contract.

Be it expressly understood that this new or additional work shall not extend beyond the termini of the original construction project except as may be necessary to satisfactorily complete the project in the most feasible and economical manner in the judgment of the Highway Director.

C. Supplemental Agreement or Force Account Order. The Highway Director shall have the authority to enter into a supplemental contract with the prime contractor, setting forth the estimated quantities of extra work and specifying the unit prices or lump sum agreed upon by the parties involved; provided, further, however, that such supplemental contract shall not be subject to any competitive bid laws of this State. If satisfactory unit price or lump sum cannot be agreed upon, the Highway Director shall have the authority to direct that extra work be performed on a force account basis; as defined by the Alabama State Highway Department Standard Specifications for Highways and Bridges.

Section 2. All laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:26 P. M.

Act No. 229

S. 329—Gilmore

AN ACT

To repeal Act No. 329, H. 714, approved July 1, 1943, as amended, an act relating to construction of farm to market roads (General Acts 1943, p. 311 et seq.).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 329, H. 714, approved July 1, 1943, as amended, entitled "An Act to provide for State aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money appropriated by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and the State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient for the administration of this act" (General Acts 1943, p. 311 et seq.), is hereby expressly repealed.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:28 P. M.

Act No. 230

S. 330—Gilmore

AN ACT

To provide for the disposition of unobligated SACP funds which have reverted to the State Highway Department.

Be It Enacted by the Legislature of Alabama:

Section 1. All unobligated SACP monies remaining in the SACP fund on October 1, 1968, shall be paid into the Public Road and Bridge Fund of the State Highway Department for use by the Department in the construction and maintenance of state roads and bridges.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:29 P.M.

Act No. 231

S. 402—Goodwyn, Pierce

AN ACT

To provide that the Board of Revenue, or like governing body now existing or that may be hereafter created in all Counties of Alabama, having a population of not less than 150,000 nor more than 300,000 inhabitants according to the 1960 Federal Census pay to the Recorder of the Recorder's Court of all cities located in said County or counties for ex officio services rendered by the Recorder in the trial of cases in the Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Five Thousand One Hundred and NO/100 (5,100.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury, and providing further for the payment to the designated Prosecuting Attorney of the Recorder's Court located in said County or counties for ex officio services rendered by him in the prosecution of cases in Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Three Thousand an No/100 (3,000.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue, or like governing body now existing or that may be hereafter created in all Counties of Alabama, having a population of not less than 150,000 nor more than 300,000 inhabitants, according to the 1960 Federal Census or any subsequent regular decennial Federal Census, shall pay to the Recorder of the Recorder's Court of all cities located in said County or counties, for ex officio services rendered by the Recorder in said county or counties in the trial of cases in Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Five Thousand One Hundred and NO/100 (5,100.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury.

Section 2. That the Board of Revenue, or like governing body now existing or that may be hereafter created in all Counties of Alabama, having a population of not less than 150,000 nor more than 300,000 inhabitants according to the 1960 Federal Census shall pay to the Prosecutor of the Recorder's Court of all cities located in said counties for ex officio services rendered by the Prosecutor in said County or counties, in the trial of cases in Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Three Thousand and No/100 (3,000.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved July 29, 1969.

Time: 6:30 P.M.

Act No. 232

S. 442—Givhan

AN ACT

Relating to counties having a population of not less than 16,500 nor more than 17,500; providing for direct distribution to municipalities of their proportionate share of gasoline tax proceeds allocated for municipalities in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 16,500 nor more than 17,500, according to the most recent federal decennial census, the proportionate amount of proceeds from gasoline taxes allocated to municipalities in such counties under the provisions of Act No. 224, Special Session 1967 (Acts

1967, p. 295), shall be paid to such municipalities immediately after disbursement is made to the counties. All funds which have accrued to such municipalities at the date this act is effective, and all funds allocated to such municipalities after this act is effective shall be paid immediately and directly to the municipalities upon requisition.

Section 2. All laws, general, local or special, or parts of such laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:32 P.M.

Act No. 233

S. 445—Goodwyn, Oden, Gilmore, Torbert,
Cooper, Giles, Engel, Pierce,
Turner, Clark

AN ACT

To amend paragraphs (1) and (3) of subsection C of Section 279 and Sections 289, 293 and 299, all being of Title 26, Code of Alabama 1940, as last amended, pertaining to the Workmen's Compensation Law.

Be It Enacted by the Legislature of Alabama:

Section 1. Paragraph (1) of subsection (C) of Section 279 be and the same is hereby amended by adding the following sentence at the end of said subsection (C) 1:

“Where a permanent partial disability covered in the specific schedule set out herein follows a period of temporary total disability resulting from the same injury, the first ten weeks of such temporary total disability shall not be deducted from the number of weeks payable for the permanent partial disability”.

Paragraph (3) of subsection (C) of Section 279 is hereby amended to read as follows:

“(3) Loss of use of a member.

In all cases the permanent and total loss of the use of a member shall be considered as equivalent to the loss of that member but in such cases the compensation in and by said schedule shall be in lieu of all other compensation except as otherwise provided herein. In case of permanent disability, due to injury to a member resulting in less than total loss of use

of such member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss or total loss of use of the respective member, which the extent of the injury to the member bears to its total loss."

Section 2. That Section 289, Title 26, Code of Alabama 1940, as last amended, be and the same is hereby amended to read as follows:

"Section 289. Limitations on Compensation.—In no case hereunder, except as otherwise provided herein, shall the compensation paid hereunder be more than forty-seven dollars per week nor less than fifteen dollars per week, and in no case shall the total amount exceed \$18,800; provided, however, that effective July 1, 1970, in no case hereunder, except as otherwise provided herein, shall the compensation paid hereunder be more than fifty dollars per week nor less than fifteen dollars per week, and in no case shall the total amount exceed \$20,000."

Section 3. Section 293, Title 26, Code of Alabama 1940, as last amended, is hereby amended in the following respects:

Wherever the words "six thousand dollars" appear in said section, said words are stricken and the words "ten thousand dollars" inserted in lieu thereof.

Section 4. That Section 299, Title 26, Code of Alabama 1940, as last amended, be hereby amended to read as follows:

"Section 299. Payment in lump sum.—

By agreement of the parties and with approval of the court, the amounts of compensation payable periodically hereunder may be commuted to one or more lump sum payments. No such commutation shall be approved by the court unless the court is satisfied that it is for the best interest of the employee or the employee's dependents, in case of death, to receive the compensation in a lump sum rather than in periodic payments. In making such commutations, the lump sum payment shall, in the aggregate, amount to a sum equal to the present value of all future installments of compensation calculated on a six percent basis.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 29, 1969.

Time: 6:33 P.M.

Act No. 234

S. 446—Goodwyn, Oden, Gilmore, Torbert,
Cooper, Giles, Engel, Pierce,
Turner, Clark

AN ACT

To amend Sections 202, 203, Paragraph 1 of Subsection A, and Paragraphs 3 and 4 of Subsection B, and Subsection F, and Subsection G and Subsection H, (all said paragraphs and subsections being in Section 204,) Section 207, Paragraph 1 of Subsection D and Paragraph 1 of Subsection L of Section 214, Title 26, Code of Alabama 1940, as amended, all relating to unemployment compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 202, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read:

“§ 202. Contribution by employees.—Prior to January 1, 1962, contributions by employees shall be as prescribed by this section, as amended September 1953, and August 1957, and by Section 204 (F) as amended May 1955, and August 1957. On and after January 1, 1962, except as hereinafter provided, and subject to the provisions of subsection G (4) of Section 204 of this title, each employee employed by an employer subject to this chapter shall contribute to the fund 0.25 percent (one-fourth of one percent) of the wages for employment paid to him after January 1, 1962, and after the date as of which the conditions determining that his employer is subject to this chapter have been fulfilled. However, after December 31, 1939, no employee shall be required to pay contributions on that part of his wages which are not included in the definition of ‘wages’ as prescribed in Section 191 of this title. If by reason of an employee rendering service for more than one employer during any calendar year after the calendar year 1939, the wages of the employee with respect to employment during such year exceed the amount set out in Section 191, the employee shall be entitled to a refund of any amount of contribution with respect to such wages, imposed by this chapter, deducted from such wages and paid to the fund, which exceeds the contribution with respect to the amount of wages set out in this section.

Effective on and after January 1, 1970, and for each calendar year thereafter, the above provisions notwithstanding, when the Unemployment Trust Fund is above the minimum normal amount computed under the provisions of Section 204 of this Title, no contribution shall be made by any employee; when the Unemployment Trust Fund is below such minimum normal amount, the employee contribution rate for such calendar year shall be 0.5 percent (one-half of one percent).”

Section 2. Section 203, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 203. Employer shall withhold contributions.—When, under the provisions of section 202 and subsection 204 G (4) of this title, contributions by employees of employers subject to this title are required to contribute to the fund, each employer shall, notwithstanding any provisions of law in this state to the contrary, be responsible for withholding and shall withhold, in trust, such contributions from the wages of his employees at the time such wages are paid, and shall show such deductions on his payrolls and records, and shall transmit all contributions to the fund pursuant to general rules.

Contributions by employees payable to the fund as herein provided shall be exempt from garnishment, attachment, execution or any other remedy for the collection of debts."

Section 3. Paragraph (1) of Subsection A., Section 204, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ A. (1) For the twelve-month period beginning on the 1st day of April of each year, any employer whose employment record has been chargeable with benefit wages throughout at least the calendar year immediately preceding such 1st day of April shall have his rate determined by the unemployment compensation fund's maximum liability for benefits to his employees who have been paid benefits, modified by the State experience as of the most recent December 31 as to average duration of benefit payments as provided herein."

Section 4. Paragraphs 3 and 4 of Subsection B of Section 204, Title 26, Code of Alabama 1940, as last amended, are hereby amended to read:

"§ B. (3) As to any employee who is a "maritime worker" benefit wages of such employee during a base period as determined under Subsection B (1) of this section, exclusive of any benefit wages based on wages in excess of the amount set forth in Section 191 A of this title paid to such employee during such base period by any one employer, shall be multiplied by a fraction the numerator of which is his average quarterly earnings (as defined in Section 211-C of this chapter as last amended) in his base period and the denominator of which is his highest of any quarter in his base period. The result shall be employee's benefit wages of such "maritime worker."

(4) When, in the determination of an employee's benefit wages, wages that have been included once in any employee's benefit wages, for one benefit year or in any employee's wages for one base period such wages shall not thereafter be included again in his benefit wages for any other benefit year or in his wages for any other base period respectively.

In computing an employee's benefit wages, no wages in excess of the amount defined as 'wages' in Section 191 of this title paid to him in his base period by any one employer shall be deemed benefit wages. It is the intent of this provision that no one employer be charged with benefit wages in excess of such amount defined in Section 191 of this title because of the receipt of benefits in a benefit year by one of his workers or former workers."

Section 5. Subsection F., Section 204, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ F. The contribution rates for each employer as provided in subsection A of this section shall be determined by the director and the director shall notify each employer of the state experience factor, his benefit wage percentage, and his contribution rate within thirty days after the effective date of such rate. Except as provided hereinafter and in paragraph 4 of subsection G of this section such employer contribution rate shall be determined from the first ten columns of the following table and shall be the rate appearing at the bottom of the lowest numbered column in which there appears, on the same horizontal line in which is found in the column headed "State Experience Factor," the state experience factor for the then calendar year, a percentage equal to or in excess of such employer's benefit wage percentage for the then calendar year. The maximum employer's contribution rate under this subsection shall be two and seven tenths percent (2.7%)."

Col. 1 Col. 2 Col. 3 Col. 4 Col. 5 Col. 6 Col. 7 Col. 8 Col. 9 Col. 10 Col. 11 Col. 12 Col. 13

State
Experience
Factor

	Benefit Wage Percentage in Excess of Column 12 of This Table															
1 %	50.00 %	75.00 %	100.00 %	125.00 %	150.00 %	175.00 %	200.00 %	225.00 %	250.00 %	270.00 %	300.00 %	330.00 %				
2	25.00	37.50	50.00	62.50	75.00	87.50	100.00	112.50	125.00	135.00	150.00	165.00				
3	16.75	25.00	33.25	41.50	50.00	58.25	66.75	75.00	83.25	90.00	100.00	110.00				
4	12.50	18.75	25.00	31.25	37.50	43.75	50.00	56.25	62.50	69.50	75.00	82.50				
5	10.00	15.00	20.00	25.00	30.00	35.00	40.00	45.00	50.00	54.00	60.00	66.00				
6	8.25	12.50	16.75	20.75	25.00	29.25	33.25	37.50	41.75	45.00	50.00	55.00				
7	7.25	10.75	14.25	17.75	21.50	25.00	28.50	32.00	35.75	38.50	42.75	47.00				
8	6.25	9.50	12.50	15.75	18.75	22.00	25.00	28.00	31.25	33.75	37.50	41.25				
9	5.50	8.25	11.00	14.00	16.75	19.50	22.25	25.00	27.75	30.00	33.25	36.75				
10	5.00	7.50	10.00	12.50	15.00	17.50	20.00	22.50	25.00	27.00	30.00	33.00				
11	4.50	6.75	9.00	11.25	13.75	16.00	18.25	20.50	22.75	24.50	27.25	30.00				
12	4.25	6.25	8.25	10.50	12.50	14.50	16.75	18.75	20.75	22.50	25.00	27.50				
13	3.75	5.75	7.75	9.50	11.50	13.50	15.50	17.25	19.25	20.75	23.00	25.50				
14	3.50	5.25	7.00	9.00	10.75	12.50	14.25	16.00	17.75	19.25	21.50	23.50				
15	3.25	5.00	6.75	8.25	10.00	11.75	13.25	15.00	16.75	18.00	20.00	22.00				
16	3.25	4.75	6.25	7.75	9.25	11.00	12.50	14.00	15.75	16.75	18.75	20.50				
17	3.00	4.50	6.00	7.25	8.75	10.25	11.75	13.25	14.75	16.00	17.75	19.50				
18	2.75	4.25	5.50	7.00	8.25	9.75	11.00	12.50	14.00	15.00	16.75	18.25				
19	2.75	4.00	5.25	6.50	8.00	9.25	10.50	11.75	13.00	14.25	15.75	17.25				
20	2.50	3.75	5.00	6.25	7.50	8.75	10.00	11.25	12.50	13.50	15.00	16.50				
21	2.50	3.50	4.75	6.00	7.00	8.25	9.50	10.75	12.00	12.75	14.25	15.75				
22	2.25	3.50	4.50	5.75	6.75	8.00	9.00	10.25	11.25	12.00	13.75	15.00				
23	2.25	3.25	4.25	5.25	6.50	7.50	8.75	9.75	10.75	11.25	13.00	14.25				
24	2.00	3.25	4.25	5.25	6.25	7.25	8.25	9.50	10.50	11.25	12.50	13.75				
25	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	10.75	12.00	13.25				
26	2.00	3.00	3.75	4.75	5.75	6.75	7.75	8.75	9.50	10.50	11.50	12.75				
27	1.75	2.75	3.75	4.75	5.50	6.50	7.50	8.25	9.25	10.00	11.00	12.25				
28	1.75	2.50	3.50	4.50	5.25	6.25	7.00	8.00	9.00	9.75	10.75	11.75				
29	1.75	2.50	3.50	4.25	5.25	6.00	7.00	7.75	8.50	9.25	10.25	11.25				
30 or more	1.75	2.50	3.25	4.25	5.00	5.75	6.75	7.50	8.25	9.00	10.00	11.00				

Employer's
Contribu-
tion Rate

.5

.75

1.00

1.25

1.50

1.75

2.00

2.25

2.5

2.7

3.0

3.3

3.6

Section 6. Subsection G., Section 204, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ G. Contribution rates for each employer, and his employees when required by the provision of Section 202 of this title and paragraph 4 of this subsection, determined pursuant to subsection F of this section shall nevertheless be subject to increase as hereinafter provided.

(1) The "benefits payroll ratio" of the state for each fiscal year (for the purposes of this Chapter fiscal year means the twelve consecutive month period beginning the first day of October of each year) shall be determined by dividing the total of benefits paid from the unemployment compensation fund within the preceding fiscal year by the statewide total of taxable payrolls of all employers upon which contributions have been paid during the same fiscal year and by adjusting the quotient to the nearest multiple of one thousandth.

(2) The "minimum normal amount" of the unemployment compensation fund for each fiscal year shall be one and one-half times the amount determined by multiplying the highest statewide total of taxable payrolls of all employers upon which contributions have been paid during any one of the three most recent preceding fiscal years by the highest benefits payroll ratio for any one of the ten most recent preceding fiscal years.

(3) Whenever, at the end of any fiscal year, the fund is greater than the minimum normal amount for the next following fiscal year, the director shall on or before the 1st day of December next following so declare, and, effective for the twelve-month period beginning with the 1st day of April of the immediately succeeding calendar year, the contribution rates for each employer shall be determined by the director as provided in subsection F of this section on the basis of each employer's benefit wage percentage for the said immediately succeeding calendar year and the state experience factor as determined for the said immediately succeeding calendar year as provided in subsection E of this section.

(4) If at the end of any fiscal year the fund is less than the minimum normal amount for the next following fiscal year, the director shall on or before the first day of December next following so declare. To be effective for the twelve-month period beginning with the 1st day of April of the immediately succeeding calendar year the contribution rates for each employer shall be determined by the director from the table in subsection F of this section on the basis of each employer's benefit wage percentage for the said immediately succeeding calendar year and an increased state experience factor to be

computed by multiplying the state experience factor for the said immediately succeeding calendar year by two. In computing rates under this subsection all 13 columns in the table in subsection F of this section shall be used. If no percentage equal to or in excess of such benefit wage percentage appears on said horizontal line, the employer's contribution rate shall be three and six-tenths percent (3.6 percent).

When the state experience factor is required to be multiplied by two, as heretofore provided, each employee employed by an employer subject to this chapter shall contribute to the fund throughout the next immediately succeeding calendar year, and effective with wages for employment paid to him on or after the first day of such calendar year, at the rate of 0.5 percent (one-half of one percent).

(5) Any amount credited to this state's account under Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund, shall be excluded from the trust fund balance in determining whether or not such fund is greater or less than the minimum normal amount for a fiscal year.

(6) The director shall notify each employer of such declaration and change in state experience factor and of his benefit wage percentage and his contribution rate within thirty days after each such 1st day of April and, when contributions are required of employees under the provisions of this section, notice of such requirement shall be given the employer not later than ten days prior to the effective date of such contributions.

Section 7. Subsection H., Section 204, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

"§ H. Any employer may apply to the director for and shall be entitled to a review as to the determination of his benefit wage percentage and his contribution rate as fixed by his benefit wage percentage, provided such application is filed within 30 days of the date of the mailing by the director to the employer of the notice of such determination. Pending such review such employer shall when required by subsection G of this section withhold and transmit employee contributions and make all contribution payments otherwise required by this chapter at contribution rates fixed by the determination sought to be reviewed and resulting overpayments or underpayments of contributions by the employer shall, upon any redetermination, be adjusted or refunded pursuant to Section 243 of this title. Any employer may within 30 days after the date of mailing by the director to such employer of notice of the ruling of the

director upon such application for review appeal such ruling to the circuit court of any county wherein the employer is engaged in doing business, upon such terms and upon giving such security for costs as the court may upon application prescribe. Trial in that court shall be de novo with respect to his benefit wage percentage."

Section 8. Section 207, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 207. Weekly benefit amount.—An individual's weekly benefit amount shall be an amount equal to 1/26th of the total wages for insured work paid to him during that quarter of his base period in which such total wages were the highest, except that:

A. If the amount thus derived is not a multiple of \$1.00, it shall be rounded to the nearest multiple of \$1.00.

B. If the amount thus derived is less than \$11.51, the weekly benefit amount shall be \$12.00, provided that, during that quarter his base period in which the wages paid to him for insured work were the highest, the individual was paid wages of \$200.00 or more for insured work on other than a part-time basis.

C. For benefit years beginning after the effective date of this act but before July 1, 1970, no weekly benefit amount may exceed \$47.00.

D. For benefit years beginning on or after July 1, 1970, no weekly benefit amount may exceed \$50.00."

Section 9. Paragraph 1 of subsection D. of Section 214, as last amended, is hereby amended to read:

§ D. 1. When an individual is disqualified for benefits under subsection B or C (1) of this section, he shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him for the period of employment by the employer by whom he was employed when the disqualifying event occurred, and, provided further, that for the purposes of the experience rating provisions of Section 204 of this title no portion of such wages shall be determined to be employee's or employer's benefit wages for any benefit year or base period. Further, when an individual is disqualified under subsection C (2) of this section, only one-half of the wages paid to such individual for that period of employment immediately preceding the separation to which the disqualification applies shall be determined to be employer's benefit wages for the purposes of the experience rating provisions of Section 204 of this title."

Section 10. Paragraph 1 of Subsection L. of Section 214, is hereby amended to read:

"§ L. 1. The week immediately following the expiration of a leave-of-absence granted to her by her employer on account of pregnancy in accordance with an established leave-of-absence policy, the duration of which leave was set in accordance with her request or in accordance with a collective bargaining agreement; provided that an individual who is on a leave of absence which extends beyond ten weeks after termination of such pregnancy would not be disqualified for benefits under this subsection ten weeks after termination of such pregnancy if the worker has given the employer three weeks notice of her desire to return to work and has not refused reinstatement to a job which by aptitude, experience or training she is qualified to perform."

Section 11. All laws and parts of laws in conflict herewith are hereby repealed.

Section 12. Sections 8, 9 and 10 of this act shall not apply to benefit years beginning on or before the effective date of this act.

Section 13. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 14. This act to take effect upon its passage and approval by the Governor or its otherwise becoming law.

Approved July 29, 1969.

Time: 6:35 P.M.

Act No. 235

S. 452—Jackson

AN ACT

Relating to counties having a population of not less than 32,200 nor more than 35,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting the sale of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in any such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 32,200 nor more than 35,000 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. It shall be unlawful for any person, firm, or corporation to sell or offer for sale any spirituous, vinous, or malt or brewed beverages in any establishment located within one mile of the boundary of the campus or grounds of any college or other institution of higher learning or any eleemosynary institution in any county in which this Act applies, unless such establishment is located within One Thousand Seven Hundred Sixty yards of the court house of such county.

Section 3. It shall be unlawful to locate any state liquor store within one mile of the boundary of the campus or grounds of any college or other institution of higher learning or of any eleemosynary institution in any county in which this Act applies, unless such store is located within One Thousand Seven Hundred Sixty yards of the court house of such county.

Section 4. Any person, firm or corporation who violates any provision of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed by law.

Section 5. This Act shall not be construed as authorizing or legalizing the sale and distribution of alcoholic beverages in any county in which a majority of the qualified electors of the county, voting at a referendum held under the provisions of Section 68 of Title 29, Code of Alabama (1940), have voted that the county shall be a dry county.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:36 P.M.

Act No. 236

S. 457—Adams

AN ACT

To amend Section 6 of Act No. 217, H. 275, approved August 1, 1961, (Acts of Legislature, Regular Session of 1961, Volume 1, pp. 244, et seq.). An Act "To provide for and prescribe the form of government of all cities having populations of not less than 30,000 nor more than 31,500."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 6 of Act No. 217, H. 275, approved August 1, 1961, (Acts of Legislature of Alabama, Regular

Session of 1961, Vol. 1, pp. 244, et seq.) be amended to read as follows:

"Section 6. Effective on the first Monday in October, 1969, the Mayor in cities within the scope of this act shall receive an annual salary of \$7,200.00 and each associate commissioner shall receive an annual salary of \$4,800.00. In addition, all reasonable expenses incurred by such Mayor and associate commissioners in the performance of their duties as such Mayor and associate commissioners shall be paid by the city. All such salaries shall be payable by the city in equal monthly installments and at the same rate for every fraction of a year which the commissioners serve. The payment of all funds out of the treasury shall be by warrants signed by the City Clerk and countersigned by the Mayor, provided that during the absence of the Mayor from the corporate limits of the city, and necessity therefor arising, warrants may be countersigned by one of the associate commissioners designated by the Mayor to act in his stead."

Section 2. This act shall become effective October 1, 1969.

Approved July 29, 1969.

Time: 6:38 P.M.

Act No. 237

S. 503—Cooper

AN ACT

Relating to Wilcox County; to amend further Act No. 436, S. 397, Regular Session 1939 (Loc. Acts 1939, p. 261), an act which provided further for the duties, power, authority, and compensation of the members of the Court of County Commissioners of Wilcox County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 436, S. 397, Regular Session 1939 (Loc. Acts 1939, p. 261), an act which provided further for the duties, power, authority, and compensation of members of Court of County Commissioners of Wilcox County, is amended further to read as follows:

"Section 8. COMPENSATION: The judge of probate as the chairman of the Court of County Commissioners of Wilcox County shall receive as compensation for his services required under this Act a salary of \$400 per month; and each of the associate members of the court shall also receive a salary of \$400 per month."

Section 2. This Act shall become effective upon the expiration of the term of the incumbent member or members first expiring after this Act becomes law.

Approved July 29, 1969.

Time: 6:40 P.M.

Act No. 238

S. 504—Cooper

AN ACT

To amend Act No. 192, H. 652, Regular Session 1955 (Acts 1955, p. 477), an act which authorizes and requires the governing body of Wilcox County to pay the clerk hire of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 192, H. 652, Regular Session 1955 (Acts 1955, p. 477), an act which authorizes and requires the governing body of Wilcox County to pay the clerk hire of certain county officers, is hereby amended to read as follows:

“Section 1. The court of county commissioners, board of revenue, or like governing body of Wilcox County is hereby authorized, empowered, and directed to pay out of the general fund in the county treasury the sum of three hundred dollars a month to each of the following county officers for clerk hire: the tax assessor, the tax collector, and the circuit clerk.”

Section 2. This act shall become effective on the first day of the month commencing after the date of its enactment.

Approved July 29, 1969.

Time: 6:41 P.M.

Act No. 239

S. 510—Clark

AN ACT

To amend Section 1 of Act No. 21 adopted at the Extraordinary Session of 1969 of the Legislature of Alabama so as to change the definition of “Utility” as said definition appears in said Section 1.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 21, Special Session 1969, is hereby amended to read as follows:

“Section 1. *Definitions.*.....Wherever used in this Act, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations.

‘Domestic water’ shall mean all water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

'Gross receipts' shall mean the value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or services cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross receipts' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

'Gross sales' shall mean the value proceeding or accruing from the furnishing of utility services (and including the proceeds from the sale of any utility services handled on consignment by the taxpayer), without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross sales' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

'Person' shall mean an individual, firm, copartnership, association, trust, receiver, corporation or other entity, and shall specifically include the State of Alabama, every county in the State of Alabama, every municipal corporation in the State of Alabama, the United States of America and its agencies, and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America, and operating in the State of Alabama, as well as every private or non-public entity.

'Retail sale' shall mean all sales except those defined herein as wholesale sales.

'Taxpayer' shall mean any person liable for taxes under the provisions of this Act.

'Utility' shall mean every person regularly engaged in furnishing utility services to another person or other persons in the State of Alabama.

'Utility services' shall mean electricity; domestic water; natural gas; telegraph services; and telephone services to subscribers; provided that 'utility services' shall not mean telephone services or telegraph services stored, used or consumed by a

utility regularly engaged in furnishing such services or either of them to the public, or telephone services or telegraph services which are not subject to regulation by the Alabama Public Service Commission or any successor thereto; provided, further, that 'utility services' shall not mean utility services stored, used or consumed by a utility other than by a municipality or other municipal entity organized by a municipality.

'Wholesale sale' shall mean a sale or exchange of utility services by a utility to or with anyone, including any person or any utility, engaged in the resale of such utility services in the regular course of business, but does not include a sale of utility services by a utility to a consumer or user, not for resale."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, but in no event earlier than September 1, 1969.

Approved July 29, 1969.

Time: 6:42 P.M.

Act No. 240

S. 511—Clark

AN ACT

To amend Section 1 of Act No. 37 adopted at the Extraordinary Session of 1969 of the Legislature of Alabama so as to change the definition of "Utility" as said definition appears in said Section 1.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 37, Special Session 1969, is hereby amended to read as follows:

"Section 1. *Definitions.* The following words wherever used in this Act, unless a different meaning clearly appears in the context, shall be given the following respective interpretations.

'Business' shall mean all activities engaged in, or caused to be engaged in, relating to the furnishing of utility services.

'Department' shall mean the Department of Revenue of the State of Alabama.

'Domestic water' shall mean all water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

'Gross receipts' shall mean the value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction of account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expense whatever, and without any deductions on account of losses. 'Gross receipts' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any person in connection with the business or requirements of such other person.

'Gross sales' shall mean the value proceeding or accruing from the furnishing of utility services (and including the proceeds from the sale of any utility services handled on consignment by the taxpayer), without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross sales' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

'Person' shall mean an individual, firm, copartnership, association, trustee, receiver, corporation or other entity, and shall specifically include the State of Alabama, every county in the State of Alabama, every municipal corporation in the State of Alabama, the United States of America and its agencies, and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America, and operating in the State of Alabama, as well as every private or non-public entity.

'Purchase' shall mean utility services which are acquired, with or without consideration, whether such acquisition is effected by a transfer of title, or of possession, or of both, or a license to use or consume, whether such transfer is absolute or conditional, and by whatsoever means the same shall have been effected.

'Retail sale' shall mean all sales except those defined herein as wholesale sales.

'Sales price' shall mean the total amount for which utility services shall have been sold (or, if not sold or sold for only a nominal amount, the fair market value thereof) valued in money,

whether paid in money, or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatever; provided, cash discounts allowed and taken shall not be included.

‘Storage’ shall mean any keeping or retention in the State of Alabama of utility services for any purpose, except sale in the regular course of business or subsequent use solely outside the State of Alabama.

‘Taxpayer’ shall mean any person liable for taxes under the provisions of this Act.

‘Use’ shall mean the exercise of any right or power over utility services or the disposition thereof incident to a proprietary or possessory interest therein, except that it shall not include the sale of utility services in the regular course of business.

‘Utility’ shall mean every person regularly engaged in furnishing utility services to another person or other persons in the State of Alabama.

‘Utility gross receipts tax’ shall mean the tax levied by that certain Act of the Legislature of Alabama which resulted from the enactment into law of H. B. 28 introduced at the First Extraordinary Session of 1969 of the Legislature of Alabama.

‘Utility services’ shall mean electricity; domestic water; natural gas; telegraph services; and telephone services to subscribers; provided that ‘utility services’ shall not mean telephone services or telegraph services stored, used or consumed by a utility regularly engaged in furnishing such services or either of them to the public, or telephone services or telegraph services which are not subject to regulation by the Alabama Public Service Commission or any successor thereto; provided, further, that ‘utility services’ shall not mean utility services stored, used or consumed by a utility other than by a municipality or other municipal entities organized by a municipality.

‘Wholesale sale’ shall mean a sale or exchange of utility services by a utility to or with anyone, including any person or any utility, engaged in the resale of such utility services in the regular course of business, but does not include a sale of utility services by a utility to a consumer or user, not for resale.”

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, but in no event earlier than September 1, 1969.

Approved July 29, 1969.

Time: 6:43 P.M.

Act No. 241

S. 512—McCarley

AN ACT

To amend Section 5 of Act No. 77, H. 325, Regular Session 1947 (Local Acts 1947, p. 55) as amended, an act to create the office of county solicitor of Autauga County, so as to provide an expense allowance for the county solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 77, H. 325, Regular Session 1947 (Local Acts 1947, p. 55), as amended, an act to create the office of county solicitor of Autauga County, is amended further to read as follows:

“Section 5. The county solicitor of Autauga County shall receive a salary of not less than twenty-four hundred (\$2,400) dollars per annum and not more than three thousand dollars (\$3,000) per annum with such salary to be fixed by the board of revenue or other like governing body of the county. In addition, the county solicitor shall be entitled to an expense allowance of one hundred fifty (\$150) dollars per month for clerk and stenographic hire, office rent, telephone expense, travel expense, and other expense for the investigation or suppression of crime and for the discharge of other law enforcement duties. Such salary and expense allowance shall be paid out of the general fund of the county in twelve equal monthly installments.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:44 P.M.

Act No. 242

S. 513—O'Bannon

AN ACT

Relating to the Thirty-first Judicial Circuit; extending the powers, authority and duties of the District Attorney of any such Judicial Circuit so as to empower, authorize and require that such District

Attorney supervise the prosecution of all misdemeanors to be tried and all felonies to be heard on preliminary, in any and all inferior courts located and constituted in the county composing any such judicial circuit; creating the office of deputy District Attorney for any such judicial circuit and prescribing the duties of such office; providing for the mode and manner of the appointment of such deputy District Attorney and for his compensation, and further providing that such compensation shall be paid out of the general fund of the county composing any such judicial circuit; authorizing the District Attorney of such circuit to appoint a stenographic secretary, and providing for the payment of said secretary's compensation from the general funds of the county constituting such circuit; providing for the supplemental compensation of the District Attorney of the 31st Judicial Circuit and that such supplemental compensation herein provided shall be in lieu of any and all other salary supplements heretofore authorized.

Be It Enacted by the Legislature of Alabama:

Section 1. The powers, authority and duties of the District Attorney of the Thirty-first Judicial Circuit shall be and hereby are extended to empower, authorize and require that he supervise the prosecution of all misdemeanors to be tried and all felonies to be heard on preliminary in any and all inferior courts located and constituted in the county composing such Judicial Circuit, and such District Attorney shall have the power and authority to take charge of any misdemeanor or felony heard or tried in such inferior courts.

Section 2. There shall be and hereby is authorized and created the office of deputy District Attorney in the Judicial Circuit falling within Section 1 of this Act. The District Attorney of every such judicial circuit shall be and is hereby empowered to appoint such deputy District Attorney who must be a bona fide resident citizen of the county composing such circuit and who shall serve at the pleasure of such District Attorney. The primary duties of such Deputy District Attorney shall be the prosecution under the supervision of the District Attorney of all misdemeanors to be tried and all felonies to be heard on preliminary in any and all inferior courts located and constituted in the county composing such judicial circuit. When such deputy District Attorney is not engaged in the fulfillment of his said primary duties, he shall perform such other duties of the office of District Attorney before the grand jury or in the Circuit Court of such judicial circuit as the District Attorney may require and direct. The Compensation of the deputy District Attorney shall in the discretion of the District Attorney of the 31st Judicial Circuit be not less than Nine Thousand Six Hundred (\$9,600.00) Dollars per annum, minimum, and not more than Twelve Thousand (\$12,000.00) Dollars per annum, maximum, payable in equal monthly installments, or in semi-monthly installments, out of the general fund of the county composing such judicial circuit, as other salaries are paid. Such deputy District Attorney shall be subject to the provisions of

Section 229 or Title 13 of the Code of Alabama of 1940, as amended.

Section 3. The salary of the District Attorney shall be supplemented by the county composing any such circuit by an amount equal to one-fourth of the salary now or hereafter paid such District Attorney by the State of Alabama. The supplement hereby authorized shall be paid in equal monthly installments out of the general fund in the county treasury, shall be in addition to the salary paid the District Attorney by the State and shall be in lieu of any and all other salary supplements heretofore authorized.

Section 4. The District Attorney of said circuit may appoint a stenographic secretary who shall serve at the pleasure of the District Attorney and shall perform such duties as he may direct. The compensation of such secretary shall be fixed by the District Attorney at the sum of not exceeding Three Hundred (\$300.00) Dollars, per month. Said compensation shall be paid in monthly installments out of the general fund of the treasury of the county constituting such circuit at the end of each month, or semi-monthly at the election of said secretary, such payment to be made on certificate issued by the District Attorney of such circuit in favor of such secretary for the respective amounts due each month.

Section 5. The office of Solicitor of the Colbert Law & Equity Court of Colbert County, created by Act number 32, H162, Regular Session 1947 (Local Acts 1947, Regular Session, Page 25) shall be abolished upon this act becoming effective, at the commencement of the next regular term of the District Attorney of the 31st Judicial Circuit.

Section 6. If any sentence, clause, provision, or section of this Act shall be declared to be invalid, the invalidity thereof shall not effect the validity of any other portion or provision of this Act, it being the intention to enact into law so much thereof as may validly become law, irrespective of the invalidity of any portion hereof.

Section 7. This Act shall become effective upon the commencement of the next regular term of the District Attorney of the 31st Judicial Circuit after its passage and approval by the Governor.

Approved July 29, 1969.

Time: 6:45 P.M.

To alter or rearrange the boundary lines of the City of Thomasville, Alabama, so as to include in the corporate limits of said city certain territory not now included, and to exclude from the City of Thomasville, Alabama, certain territory now included in the corporate limits of said city.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Thomasville, in the County of Clarke, State of Alabama, be and the same are hereby altered and rearranged so as to exclude from the corporate limits of said City all of the lands not embraced within the description hereinafter set out, and to include within the corporate limits of said City all of the lands herein set out, to-wit:

SW $\frac{1}{4}$ and E $\frac{1}{2}$ of Section 10; all of Section 11; S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 12; W $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 13; all of Section 14; all of Section 15 lying East of the Choctaw Corner-Grove Hill Public Road. That part of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15 described as follows: Begin at the NW corner of NE $\frac{1}{4}$ of Section 15; thence South 300 yards; thence East to the East margin of the Choctaw Corner-Grove Hill Public Road; thence Northerly along the East boundary of said road to the North boundary of said forty; thence West to point of beginning; all of Section 22 lying East of the Choctaw Corner-Grove Hill Public Road; all of Section 23; W $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 24; W $\frac{1}{2}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25; all of Section 26; all of N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 27 lying East of Choctaw Corner-Grove Hill Public Road; W $\frac{1}{2}$ and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 35; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36 and all of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36 lying West of Old Highway No. 5 less and except that portion described as follows: Begin at a point on the West margin of Old Highway No. 5 which point is 440 feet South of the North line of said forty; thence West 210 feet; thence South 870 feet, more or less, to the South line of said forty; thence East 210 feet, more or less, to the West margin of Old Highway No. 5; thence Northerly along the West margin of Old Highway No. 5 870 feet, more or less, to the point of beginning. All in Township 11 North, Range 3 East, Clarke County, Alabama; and NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 2, Township 10 North, Range 3 East, Clarke County, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:46 P.M.

To amend Act No. 606, H. 737, Regular Session 1967, an act regulating the practice of barbering and the operation of barber shops and barber schools in counties having populations of not less than 100,000 nor more than 115,000 (Acts 1967, v. 2, p. 1395 et seq.).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 19 of Act No. 606, H. 737, Regular Session 1967, an act regulating the practice of barbering and the operation of barber schools and barber shops in counties having populations of not less than 100,000 nor more than 115,000, is hereby amended so as to read as follows:

“Section 19. MISCELLANEOUS PROVISIONS—

“(a) Nothing contained in this Act shall be construed to prevent the Department of Health of the State of Alabama or any local Board of Health or other board or body, exercising the powers of such local boards, from enacting and enforcing ordinances, codes, rules and regulations pertaining to sanitation in barber shops, in excess of the provisions of this Act, for which authority they have been or may be granted by law.

“(b) No owner or manager of a barber shop or barber college shall employ any person as a maid or porter unless said person has on file a health certificate signed by a licensed practicing physician stating that said employee is free from any communicable or contagious disease or from a venereal disease.

“(c) Any person or corporation who shall practice barbering or maintain a school of barbering or a barber shop, or act in any capacity where any certificate or license is required under this Act without a certificate or license as provided in the Act, or shall in any other form or manner violate any of the provisions of the Act or any rules and regulations of the Board, shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or imprisoned for not more than six months, or both.”

Section 2. Section 21 of said Act No. 606 of the Regular Session of 1967 is hereby amended so as to read as follows:

“Section 21. REPEALING CLAUSE—

“All laws or parts of laws inconsistent or in conflict with this Act are hereby expressly repealed, it being the legislative intent that the terms of this Act shall be fully effective and all laws or parts of laws heretofore enacted to the contrary, notwithstanding. However, nothing in this Act shall be construed to repeal or supersede any municipal ordinance regulating the practice of barbering or the operation of barber shops and barber schools.”

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:48 P.M.

Act No. 245

H. 321—Stubbs

AN ACT

To provide that no municipality whose corporate limits do not lie within or extend into Shelby County shall have or exercise police jurisdiction or powers in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. No municipality whose corporate limits do not lie within or extend into and embrace or include a portion of Shelby County shall have or exercise police jurisdiction or police powers in Shelby County or over or on any person in Shelby County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violations thereof have force or effect in Shelby County. Nor shall such municipality exercise any taxing or licensing authority over any person or firm lying within its police jurisdiction within Shelby County retroactive to 1 January 1969. Provided, however, the provisions of this Act shall not apply to land or property owned by a municipality or a board or agency thereof.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on the first day of the first month next following the date of its enactment.

Approved July 29, 1969.

Time: 6:50 P.M.

Act No. 246

H. 322—Stubbs

AN ACT

To alter, redefine and reduce the corporate limits of the City of Leeds so as to exclude therefrom any and all territory lying within the boundaries of Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. The corporate limits of the City of Leeds are hereby altered, redefined and reduced so as to exclude from the boundaries of said city any and all territory which lies within the boundaries of Shelby County.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective on the first day of the first month next following the date of its enactment.

Approved July 29, 1969.

Time: 6:51 P.M.

Act No. 247

H. 555—Holladay

AN ACT

Relating to St. Clair County; authorizing any bank situated within the county to open, establish, operate and maintain a branch bank, branch office, or other place of business at Springville in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. When permitted by its charter and by-laws, and approved by the State Banking Department and the Federal Deposit Insurance Corporation, any bank situated in St. Clair County shall be authorized to open, establish, operate and maintain at Springville in said county, a branch bank, branch office or other place of business for the receipts of deposits, payment of checks, and conducting a general banking business.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:52 P.M.

Act No. 248

H. 595—Williams

AN ACT

To provide further for the selection of textbooks and instructional materials for use in the public schools in all counties having populations of not less than 36,600 nor more than 37,600, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 36,600 nor more than 37,600, according to the most recent federal decennial census, the county board of education, upon the recommendation of the county superintendent of education, may select and adopt for use in the tax-supported elementary and high schools in the county textbooks and instructional materials other than the textbooks and materials on the state-adopted list. Whenever textbooks and instructional materials are substituted for the state-approved or state-adopted books and materials, such books or materials shall be used by the teachers in the public schools in teaching any course or courses for which a substitution has been made. Provided, however, the county board of education shall not substitute books or texts or materials for the state-approved or state-adopted textbooks and materials, if such substitution would cause the county board of education to be unable to furnish free textbooks to all students in the system through the twelfth grade.

Section 2. The provisions of Act No. 412, S. 261, Regular Session 1945 (General Acts 1945, p. 647), and of Act No. 22, H. 40, Special Session 1965 (Acts 1965, p. 288), which are inconsistent with this Act are superseded by this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:53 P.M.

Act No. 249

H. 687—Pearson

AN ACT

Relating to Autauga County; further regulating the places of meetings of the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Autauga County shall meet each year for the number of days prescribed in Code of Alabama, 1940, Title 17, Section 26, as amended. They are relieved, however, of the duty of visiting all the precincts between October first and December thirty-first in odd-numbered years, as therein required; and in lieu thereof in odd-numbered years they shall meet for the purpose of registering voters on 30 different days at the courthouse.

Section 2. This act is supplemental. It shall not be construed to repeal or supersede as to Autauga County any provision of the general law relative to meetings of registrars, except those provisions of Code of Alabama 1940, Title 17, Section 26, as amended, which are in conflict with and superseded by the provisions of Section 1 hereof.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:54 P.M.

Act No. 250

H. 689—Manley, Pruitt

AN ACT

Relating to Marengo County; to provide that the corporate authorities of any city therein, and the Board of Revenue, may each establish within the city, or within the county, ambulance service; and that the corporate authorities of any city and the Board of Revenue may unite in the establishment of such service, making it common for the use of the city and of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The corporate authorities of any city in Marengo County, and the Board of Revenue of Marengo County, may establish within the city, or within the county, ambulance service for the reception and conveyance of the sick, infirm or injured, and may make all needful rules and regulations for the control and management thereof. The corporate authorities of any city or cities within the county and the Board of Revenue may unite in the establishment of such ambulance service, if deemed expedient, making it common for the use of the city and of the county, and in making of rules and regulations for the control and management thereof, and shall jointly have the same powers and authority above conferred upon each.

Section 2. The governing body of any such city or the county may make an appropriation or appropriations out of their respective treasuries to aid in maintaining such service for the benefit of the public. Any ambulance service established under the provisions of this act may pick up or discharge patients beyond the boundaries of the city or county.

Section 3. All laws and parts of laws in conflict with the provisions hereof are, to the extent of such conflict, repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:55 P.M.

Act No. 251

H. 701—Brassell

AN ACT

To abolish the public highway and traffic fund in the county treasuries of all counties having populations of not less than 46,000 nor more than 46,500, according to the most recent federal decennial census; and to provide for the transfer of any monies therein to the general fund in each of such counties and for the deposit in such general fund of such counties of all monies dedicated to construction, maintenance and repair of roads and bridges or to traffic control, hereafter accruing to such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 46,000 nor more than 46,500 the public highway and traffic fund in the county treasury is hereby abolished. All monies on deposit in such fund when this Act becomes law shall immediately be transferred to the general fund of each of such counties; and all monies thereafter accruing to such counties which are dedicated to construction, maintenance and repair of roads and bridges and traffic control shall be paid into the general fund of each of such counties. All such monies shall, however, continue to be used for the purposes for which they are dedicated.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:56 P.M.

AN ACT

Relating to all counties having populations of not less than 46,000 nor more than 46,500, according to the most recent federal decennial census; further regulating the number and compensation of deputies and other employees of the sheriffs in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriffs of all counties having populations of not less than 46,000 nor more than 46,500, according to the most recent federal decennial census are each hereby authorized to employ two deputy sheriffs in addition to the number of deputies authorized by law when this Act becomes effective. Such additional deputies shall, each, be paid a salary of four hundred fifty dollars (\$450) per month out of such fund or funds in the county treasury as the county governing body may direct; and such salaries shall be paid at the same time and in the same manner that other deputies sheriff of such counties are paid.

Such sheriffs are also authorized to employ a head jailor in addition to the jailors authorized by law when this Act becomes effective. Such head jailor shall be paid a salary of three hundred fifty dollars (\$350) per month out of such fund in the county treasury as the county governing body directs.

Section 2. All deputies sheriff serving in such counties when this Act takes effect, who have served as such deputies for as long as two years prior to the effective date of this Act, shall, each, be paid a salary of five hundred dollars (\$500) per month. The deputy clerk in the sheriffs' office of any county to which this Act applies shall be paid a salary of three hundred fifty dollars (\$350) per month; and the jailors, heretofore authorized by law for any such counties, shall, each, be paid a salary of three hundred dollars (\$300) per month. The salaries of such deputies sheriff, deputy clerk and jailors, prescribed in this section, may continue to be paid from the fund or funds in the county treasuries from which they were heretofore paid pursuant to law; or they may be paid from such fund as the county governing body directs. All such salaries shall, however, be in lieu of any salary heretofore prescribed by law for such deputies, deputy clerk and jailors.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:57 P.M.

Act No. 253

H. 756—Merrill, Burgess, Lybrand

AN ACT

To apply only to counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census, providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, or any gun, rifle or other hunting equipment customarily used in hunting deer, or any possession thereof upon the person or in any motor vehicle of any person who may be apprehended while engaging in hunting deer at night in the county shall be contraband and shall be forfeited to the State of Alabama. Such property may be seized by the Sheriff of the county or by any other officer or person acting under authority of law in the enforcement of laws of this state, and the Sheriff or such other officer or person shall report the seizure and the facts connected therewith to the solicitor or any other prosecuting official of the county, giving a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same or any interest therein if the name is known or can be ascertained, the date of seizure, and a statement of the circumstances connected with the apprehension of the person or persons whose property has been seized.

Section 2. Except as otherwise herein provided, the manner, the method and procedure for the forfeiture, condemnation, and sale of any motor vehicles or hunting equipment seized under authority of this Act shall be the same as that provided by law for the confiscation, condemnation, and sale of automobiles, conveyances, or vehicles in which alcoholic beverages are illegally transported. Without limiting the generality of the foregoing sentence, the provisions of the Code of Alabama 1940, Title 29, Sections 248 and 249 shall apply.

Section 3. The proceeds of the sale of any property condemned and forfeited to the state under authority of this act, after payment of all expenses in the cause, including the cost of

seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the Game and Fish Fund.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:58 P.M.

Act No. 254

H. 763—Agee, McCorquodale

AN ACT

Relating to counties having populations of not less than 15,300 nor more than 15,400, according to the most recent federal decennial census; to provide for the disposition of guns, nets, and other equipment taken or found by police officers in game and fish cases in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,300 nor more than 15,400, according to the most recent federal decennial census, all guns, nets, and equipment of any kind which may be found or taken for use as evidence by police officers in game and fish cases and turned over to a court, if no person makes claim for the return of such guns, nets, or other equipment for a period of one (1) year from the date same was turned over to the court, may then be sold on order of the court at public auction by the sheriff of the county. All proceeds derived from the sale of such guns, nets, and equipment shall be remitted by the sheriff to the general fund of the county.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 6:59 P.M.

Act No. 255

H. 766—Brassell, Turnham, Higginbotham

AN ACT

Relating to the compensation of members of boards of directors of certain municipal corporations in cities having populations of not less than 20,500 nor more than 28,000, according to the most recent federal decennial census; amending further Section 3 of Act No. 175, S. 280, Regular Session of 1951 (Acts 1951, p. 416).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 175, S. 280, Regular Session 1951 (Acts 1951, p. 416), as amended, is hereby amended further to read as follows:

"Section 3. Each corporation formed or the certificate of incorporation of which is amended under this act shall have a board of directors which shall constitute the governing body of the corporation, which board shall consist of three members. No fee shall be paid to any director for services rendered with respect to a sanitary sewer system. In any instance where the system or systems owned and operated by the corporation or any one or more of a water system, a gas system, and an electric system, the chairman of the board of directors may, at the discretion of the board of directors, be paid a director's fee in an amount not exceeding \$15.00 each month for one such system and \$10.00 each month for each additional system, and each member of the board of directors other than the chairman may be paid a director's fee in an amount not exceeding \$10.00 each month for each such system; provided, that where the municipality with respect to which the corporation was primarily organized has less than 5,000 inhabitants according to the last or any subsequent official census, the maximum total amount of director's fees which may be paid to the chairman of its board of directors shall not exceed \$25.00 during any month and the maximum total amount of director's fees which may be paid to any other member of the board of directors shall not exceed \$20.00 during any month. In all cities having populations of not less than 6,500 nor more than 8,500 according to the most recent federal decennial census, the members of the board of directors, including the chairman, may each be paid a director's fee in an amount not exceeding \$25.00 each month. In all cities having populations of not less than 20,500 nor more than 28,000, according to the most recent federal decennial census, the chairman of the board of directors, at the discretion of such board, may be paid a director's fee in an amount not exceeding \$125 each month, and each member of the board, other than the chairman, may be paid a director's fee in an amount not exceeding \$100 each month. All members of the board of directors of any corporation organized under the provisions of this act shall be reimbursed for actual expenses incurred in and

about the performance of their duties hereunder. Any officer of the municipality shall be eligible for appointment and may serve as a member of the board of directors for the term for which he is appointed or during his tenure as a municipal officer, whichever expires first, but shall not receive a fee for his services; provided, however, that at no time shall the board consist of more than two officers of the municipality. The directors of the corporation shall be elected by the governing body of the municipality, and they shall be so elected that they shall hold office for staggered terms. The first term of office of one director shall be two years, of another director shall be four years, and of a third director shall be six years, as shall be designated at the time of their election, and thereafter the term of office of each director shall be six years; provided, however, that the governing body of any municipality which has heretofore or hereafter authorized the creation of a corporation as provided herein may, at its option, increase the board of directors from three to five members to serve according to all the conditions and terms set forth herein. In the event the governing body elects to increase such board of directors from three to five members, one member added to the board shall be appointed for a term of four years and the remaining member for a term of six years and thereafter the term of each such director shall be six years; provided that at no time shall such board consist of more than three officers of the municipality; provided, further, that any officer of the municipality appointed to serve as a member of the board of directors shall serve for the term for which he is appointed or during his tenure as a municipal officer, whichever expires first."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 7:00 P.M.

Act No. 256

H. 769—Pearson

AN ACT

To fix expense allowances of courts of county commissioners, boards of revenue or like governing bodies of all counties having a population of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census by providing for expenses for travel out of the county. This act is in addition to all existing allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 15,400 nor more than 16,000, according to the most recent

federal decennial census, each member of the county governing body, including the chairman, shall be reimbursed for actual expenses while out of the county in performance of his duties. This shall be in addition to all existing allowances.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 7:02 P.M.

Act No. 257

H. 773—Merrill, Lybrand

AN ACT

Relating to judicial procedure in all counties having populations of not less than 76,000 nor more than 96,000: To authorize and provide for the judge, in his discretion, to excuse veniremen summoned for the week in which a person or persons indicted for a capital felony is to be tried, prior to the call of the case and without the defendant or his attorney being present.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census, at any time after a person has been summoned as one of a special venire drawn for the week for the trial of any person or persons indicted for a capital felony, pursuant to Code of Alabama 1940, Title 30, Section 63, and before the call of such cause, the judge may, in his discretion, for cause excuse any person so summoned from serving; but he must enter an order to such effect and assign therein his reasons therefor. Neither the defendant nor his attorney shall have any right to be present when such venireman is so excused. The defendant may, however, except to such order in the same manner that he is authorized to except to rulings excusing veniremen made in his presence. On the day set for the trial if the cause is ready for trial, the court must report the names of veniremen whom he has excused and the reason for so excusing each one. He shall then in the manner prescribed in Code of Alabama 1940, Title 30, Section 64, inquire into and pass upon the qualifications of all the persons who appear in court in response to the summons to serve as jurors, and shall cause the names of all those whom the court may hold to be competent jurors to try the defendant or defendants to be placed on lists, and thereupon names shall be struck from the list in the manner provided in said Title 30, Section 64, until only twelve names remain thereon. The twelve thus selected shall be

sworn and empaneled as required by law for the trial of the defendant or defendants.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 7:03 P.M.

Act No. 258

H. 786—Malone, Wright, Owens (W. E.)

AN ACT

To repeal Act No. 157, S. 276 of the Regular Session of 1965 (Acts, 1965, Regular Session, p. 227), entitled "An Act further regulating commercial fishing in public waters in all counties having populations of not less than 96,000 nor more than 106,000, so as to prohibit the use of gill or trammel nets or hoop or fyke nets in commercial fishing operations in such counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 157, S. 276 of the Regular Session of 1965 (Acts, 1965 Regular Session, p. 227), entitled "An Act further regulating commercial fishing in public waters in all counties having populations of not less than 96,000 nor more than 106,000, so as to prohibit the use of gill or trammel nets or hoop or fyke nets in commercial fishing operations in such counties," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1969.

Time: 7:05 P.M.

Act No. 259

S.J.R. 48—Adams, Albea, Bailes, Branyon, Carr, Childs, Clark, Cooper, Dominick, Engel, Folsom, Giles, Gilmore, Givhan, Goodwyn, Harris, Hawkins, Jackson, Leonard, Lolley, McCarley, McDermott, Morrow, Nabors, O'Bannon, Oden, Pelham, Pierce,

Radney, Skidmore, Stone, Torbert,
Turner, Vacca

SENATE JOINT RESOLUTION

WHEREAS Mrs. Mary L. Lindsey, the mother of our esteemed and well beloved colleague, Senator W. H. "Pat" Lindsey, died tragically in a fire at her home on July 17, 1969; and

WHEREAS this body extends its deepest and most heartfelt sympathy to Senator Lindsey, and his father, W. H. Lindsey, Jr. and his sister, Mrs. Kay Lindsey Kimbrough, in this sudden and tragic bereavement; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the untimely death of Mrs. Lindsey and express our hope that needless deaths and injuries such as she suffered may be averted in the future.

BE IT FURTHER RESOLVED that copies of this resolution be sent to W. H. Lindsey, Jr., to Senator W. H. Lindsey, III, and to Mrs. Kay Lindsey Kimbrough, a daughter, Mobile, Ala.

Approved July 29, 1969.

Time: 6:16 P.M.

Act No. 260

S. 468—Radney

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Tallapoosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"The Legislature may from time to time, by general or local laws applicable to or operative in Tallapoosa County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Tallapoosa County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances,

and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate, June 24, 1969.

Passed the House July 22, 1969.

Act No. 261 H. 678—Yielding, Weeks, Holman, Sessions,
Gloor, Money, Crane, Kilgore,
Waggoner, Meeks, Ellis, Bowers,
Watkins, Gafford

AN ACT

Proposing a further amendment to Constitutional Amendment CLXXV adopted December 18, 1961 relating to special district taxes for furtherance of education in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby proposed that Amendment CLXXV to the Constitution of Alabama, as submitted December 5, 1961 and proclaimed ratified December 18, 1961 and amended by Amendment CCLX submitted November 8, 1966 and proclaimed ratified November 17, 1966, be further amended by striking out the last sentence in said Amendments CLXXV as amended and inserting in lieu thereof the following sentence:

The proceeds of any special district tax authorized by this amendment shall be expended for the support of education only

in the special district or separate district in which the tax is levied.

Section 2. This proposed constitutional amendment shall be submitted for approval of the qualified electors of the State of Alabama at the first statewide election held at least three months after the final adjournment of the current session of the Legislature.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment.

Passed the House June 17, 1969.

Passed the Senate July 16, 1969.

Act No. 262

S.J.R. 30—Torbert

SENATE JOINT RESOLUTION

WHEREAS Hugh McClendon and Bob Weaver, twelve years of age, of Lafayette, Alabama, gallantly went to the rescue of a drowning and badly injured man near Kowaliga, and

WHEREAS through their strenuous and heroic efforts the life of the victim was saved, and

WHEREAS both of these fine young men are members of the Boy Scouts of America and have shown themselves to be outstanding examples of the qualities of manhood taught and promoted by that organization, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride and pleasure in commending Hugh McClendon and Bob Weaver for their cool, heroic, and efficient rescue, and applaud their quickness of mind, soundness of judgment, and bravery in the face of danger.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the families of Hugh McClendon and Bob Weaver.

Approved August 7, 1969.

Time: 8:00 A.M.

Act No. 263

S.J.R. 40—Goodwyn, Pierce

SENATE JOINT RESOLUTION

WHEREAS, the Congress of the United States has under consideration several proposed plans which would limit the exempt status for income tax purposes of interest paid on bonds issued by state and local governments; and

WHEREAS, among those suggestions under consideration by the Congress are proposals which would (1) include interest paid on state and local bonds in the base income for a proposed minimum income tax, (2) require allocation of deductions between taxable income and income from interest paid on state and local government bonds, (3) include interest paid on state and local bonds among income which would have tax preference limitations, and (4) provide a guaranty subsidy in exchange for the surrender of all or part of such traditional tax exemption; and

WHEREAS, it has long been considered unconstitutional for the Federal government to tax a state or local government; and

WHEREAS, any of the foregoing plans or any other plan which would directly or indirectly tax interest paid on state or local government bonds would be an impairment of such constitutional immunity; and

WHEREAS, any limitation on tax exemption of interest paid on state and local bonds would result in higher interest rates to be paid by state and local governments in their borrowing; and

WHEREAS, any increase in cost of borrowing is paid directly by the taxpayers of the community borrowing or by the users of publicly owned facilities; and

WHEREAS, any limitation on tax exemption of interest paid on state and local bonds would limit the market for such bonds; and

WHEREAS, any limitation of the market in which state and local bonds are sold would handicap state and local governments in providing funds for urgently needed public improvements; now, therefore be it

RESOLVED by the Senate, the House concurring, that the Legislature of Alabama by this resolution expresses its opposition to any plan by the Congress of the United States that would in any way limit the tax exempt status of interest paid on bonds issued by state and local governments; and be it further

RESOLVED, That upon adoption of this resolution, copies of the same be delivered forthwith to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and each member of Congress from the State of Alabama.

Approved August 7, 1969.

Time: 8:01 A.M.

Act No. 264 S.J.R. 41—Dominick, Hawkins, Vacca, Bailes,
Morrow, Childs, Gilmore

SENATE JOINT RESOLUTION

A RESOLUTION IN MEMORY OF PATROLMAN KENNETH L. SPENCER, JR.

WHEREAS, on July 13, 1969, Kenneth L. Spencer, Jr., a patrolman of the Police Department of the City of Birmingham, born July 21, 1942, in Greenfield, Massachusetts, was on an extra duty assignment at an integrated public swimming pool at Charles A. Harris Park in Ensley, Birmingham, Alabama, for the purpose of maintaining law and order for the protection of those using the pool, particularly children and youths;

WHEREAS, Patrolman Spencer, while attempting to arrest a 23 year old Negro, with a record of convictions for robbery and assault with intent to murder, who was creating a disturbance at the pool, was attacked by the previously convicted trouble maker, and in the ensuing encounter was shot at point blank range and killed with his own service revolver.

WHEREAS, Patrolman Spencer lost his life in an effort to protect the youth and children using the pool, incidentally all Negro, and thus lost his life upholding the long tradition of the Birmingham Police Department of maintaining law and order and protecting the lives of all citizens of the community, without regard to race, color or creed;

WHEREAS, Patrolman Spencer is to be highly commended for his courageous behavior on the occasion;

WHEREAS, the Legislature deplors the conditions which contributed to the untimely death of this fine young police officer;

WHEREAS, Patrolman Spencer was survived by a wife, a young son, residents of Birmingham, and by his parents, three sisters and four brothers, all residents of the State of California.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, as follows:

1. The Legislature recognizes the heroic sacrifice of Patrolman Kenneth L. Spencer, Jr., a casualty in the never ending war against crime and violence.

2. The citizens of Alabama mourn the loss of Patrolman Spencer, deplore his untimely death, and express their deep and sincere sympathy to the members of his family.

3. The attention of the people of Alabama is called to this sacrificial service in the line of duty, another example of the dedicated work of police officers in the City of Birmingham and all over the nation, in their day to day battle to maintain law and order in the face of growing threats from criminals, hoodlums, radicals and disturbers of the peace.

4. A copy of this resolution shall be sent to the members of Patrolman Spencer's family, viz:

His wife, Mrs. Ann Spencer and his son, Edward Lee Spencer, 309-19th Street, S.W., Birmingham, Alabama.

His parents, Mr. and Mrs. Kenneth L. Spencer, Ridge Crest, California.

His sisters, Mrs. Rick Butler and Mrs. Donald Tippits of Watsonville, California, and Miss Debbie Spencer of Ridge Crest, California.

His brothers, Douglas Spencer of Watsonville, California, and Larry Spencer, George Spencer, Bobby Spencer of Ridge Crest, California.

Approved August 7, 1969.

Time: 8:02 A.M.

Act No. 265

S.J.R. 43—Skidmore

SENATE JOINT RESOLUTION

WHEREAS it has been learned with deep sorrow of the passing of Mr. Preston Payne of Tuscaloosa, Alabama on July 7, 1969; and

WHEREAS Mr. Payne, who was a Justice of the Peace for Beat 16, was a man well known for his fairness and many kind and thoughtful considerations of others. He leaves many friends to mourn his loss who will long remember and value his friendship; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of Mr. Payne and extend our heartfelt

sympathy to the surviving members of his family, to whom copies of this resolution shall be sent.

Approved August 7, 1969.

Time: 8:03 A.M.

Act No. 266

S.J.R. 44—McCarley, Giles

SENATE JOINT RESOLUTION

WHEREAS, Dr. Wernher Von Braun, numerous other Alabamians and several Alabama contractors and sub-contractors have made significant contributions to the Apollo program designed shortly to place man on the moon.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That this body commends Dr. Von Braun and the many other Alabamians participating in this extraordinary undertaking; and

RESOLVED FURTHER, that the members of this body salute Blount Brothers Construction Company of Montgomery, Ingalls Iron Works, Hayes International Corporation, Rust Engineering Company, United States Steel's American Bridge Division and Southern Research Institute of Birmingham, Brown Engineering Company, International Business Machines, Heat Technology Laboratory, SPACO and Astro-Space Laboratories of Huntsville and all other Alabama contractors and sub-contractors for their part in the Apollo program.

RESOLVED FURTHER, that copies of this resolution shall be sent to Dr. Von Braun and the contractors and sub-contractors listed above.

Approved August 7, 1969.

Time: 8:04 A.M.

Act No. 267

S.J.R. 46—Morrow, Hawkins, Childs, Vacca,
Dominick, Bailes, Gilmore

SENATE JOINT RESOLUTION

WHEREAS, On June 28, 1969 the State of Alabama suffered a great loss in the death of Charles Colcott Jones Carpenter, D.D., LLD., the sixth Bishop of the Protestant Episcopal Church in the Diocese of Alabama, and

WHEREAS, Bishop Carpenter was known throughout Alabama, "from the hills of Monte Sano to the shores of Bon Secour"

during his more than thirty years as Bishop for this consecrated leadership as a man of God who was never too busy to speak and minister to any person in need and never too busy to serve his God and his State in matters of great importance to all the people of Alabama, and

WHEREAS, his influence reached far outside confines of his own particular branch of the Church and far outside the borders of the State of Alabama, and

WHEREAS, Bishop Carpenter gave great leadership not only in his own Church but for the City of Birmingham, Jefferson County, and the State of Alabama during the many social crises of the past ten years, being especially effective in promoting a sense of unity among men of widely differing views,

THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, That we take official notice of the life of service of Bishop Carpenter, giving thanks for the example of faith and leadership to which he gave witness, and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to his widow, Alexandria Morrison Carpenter, and to his successor in office the Rt. Rev. George Moseley Murray, D.D., LLD., as a token of our sympathy and affection.

Approved August 7, 1969.

Time: 8:05 A.M.

Act No. 268

S. 79—Cooper, Stone, Lolley, Vacca, Bailes, Gilmore, Oden, Engel, Clark, Torbert, Turner, Carr, Nabors, Folsom, Branyon, Givhan, Jackson, Harris, Pelham

AN ACT

To authorize and provide for compulsory driver education in the public high schools of Alabama and the granting of credit for same.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning in the School Year 1969-70, high school students in the public high schools of Alabama shall receive one-half unit of credit upon the completion of an approved course in driver education, the contents of such course and the qualifications of instructors to be determined by the State Department of Education under the direction of the State Superintendent of Education. The course shall consist of a semester of work with a minimum of thirty clock hours of classroom

instruction and six clock hours of behind-the-wheel instruction or an equivalent as determined by the State Department of Education.

Section 2. Beginning with pupils who enter the tenth grade during the School Year 1972-73, all pupils in the public high schools of Alabama will be required to have successfully completed an approved course in driver education before high school graduation, the contents of the course and the qualifications of the instructors to be determined by the State Department of Education.

Section 3. The enforcement of compulsory driver education in the public high schools of Alabama is contingent upon (1) the availability of an adequate number of qualified instructors and (2) of adequate state and federal funds to the State Department of Education to reimburse county and city boards of education for salaries of the necessary number of qualified instructors, salaries to be calculated from the current Minimum Program Teacher Allotment Schedule, and a minimum of \$360 per teacher unit per year for operating expenses.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1969.

Time: 8:06 A.M.

Act No. 269

S. 126—Pierce

AN ACT

To levy a license fee on Certified Public Accountants engaged in the practice of Public Accounting in the State of Alabama and to provide for the disposition of funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In lieu of any other privilege license fees levied under the revenue laws of the State of Alabama, each person who holds a certificate as a Certified Public Accountant and who is a resident of the State of Alabama and who is engaged in the practice of Public Accounting in the State of Alabama shall pay an annual license fee of Twenty-Five Dollars (\$25.00), but no

license fee shall be paid to the county. Such license shall be obtained from the Probate Judge or licensing agency in the County where the business of a Certified Public Accountant is located, and shall be due and delinquent as provided by Section 851, Title 51, Code of Alabama, 1940. All monies paid into the treasury for license under this act shall be deposited in the State Treasury to the credit of the Alabama State Board of Public Accountancy and shall constitute a separate fund to be disbursed as provided in Section 2 hereof.

Section 2. The fund provided by Section 1 hereof shall be used by the Alabama State Board of Public Accountancy to defray the expenses for administering and enforcing the laws of the State of Alabama pertaining to the practice of public accounting, and the other necessary purposes and expenses of said Board not otherwise available and provided pursuant to Act No. 71, Section 2, P. 91, Regular Session 1965; and the said Alabama State Board of Public Accountancy shall have the power to direct the disbursement of said fund, which shall be paid on the warranty of the State Comptroller upon certificate or voucher of the secretary of said Board, approved by the Chairman or Vice-Chairman of said Board. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 55, Chapter 4, Article 3 of the Code of Alabama 1940, and only in amounts as stipulated in the general appropriations bill.

Section 3. No license fee as herein provided shall be due or payable by any Certified Public Accountant employed by any State or Federal Government Agency, or educational institution, or industry, and who does not perform public accounting service for which he is paid.

Section 4. All laws or parts of laws relating to Certified Public Accountants and The Alabama State Board of Public Accountancy in conflict herewith are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective October 1, 1969.

Approved August 7, 1969.

Time: 8:08 A.M.

To amend further the Farmers Market Authority Act, Act No. 672, S. 99 of the Regular Session of 1965, (Acts of Alabama 1965, p. 1208), so as to authorize the establishment of marketing facilities for additional agricultural products, and to authorize and regulate the sales, alienation and conveyance of markets, market facilities and appurtenances thereto by the Farmers Market Authority; to fix the annual salary of the Administrator of the Farmers Market Authority; to authorize the use of funds collected for capital outlay, maintenance, repairs and operating expenses for markets; and to lengthen the period for which space or facilities at markets may be leased or contracted for; to repeal Act No. 221, H. 178, Legislature of 1969, Special Session, approved May 15, 1969.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 4 of the Farmers Market Authority Act, Act No. 672, S. 99 of the Regular Session of 1965 (Acts of Alabama 1965, p. 1208) is amended, and Sections 15 and 17 of said Act, as heretofore amended, are further amended to read as follows:

*"Section 1. Farmers' markets; Farmers Market Authority Authorized to Procure and to Dispose of Market Sites.—*There shall be established in the State of Alabama a Farmers Market Authority with powers and duties to establish agricultural markets to prevent waste and to provide marketing facilities for farm produce including fruits, vegetables, nuts, truck crops, feeder pigs and other agricultural commodities and such Authority is authorized and directed to procure by purchase, lease, rent, gift, or otherwise, as in its discretion it may see fit, necessary market sites in this State on which to conduct farmers' markets.

"The Farmers Market Authority is also authorized, with the approval of the Governor, to grant, bargain, sell and convey all its right, title and interest in any market which it has established and any facility which it has installed therein or in connection therewith upon such terms and conditions as it deems expedient; provided, that such authority shall not execute a deed of conveyance to such market and market facilities, including the land on which located, until it has received payment in full of an amount sufficient to reimburse it for the expenses incurred in acquiring the land, erecting any buildings thereon and installing any facilities thereto appertaining; and provided further that the grantee shall agree to continue to operate the market for the benefit of growers of fruits and vegetables and feeder pigs in the area then being served by the market, pursuant to such rules and regulations relative to the operation thereof as are prescribed by the Farmers Market Authority and stipulated in the contract and deed of sale.

*"Section 4. Administrator and Employees of Farmers Market Authority.—*The Farmers Market Authority is authorized to appoint an Administrator who, under the supervision of the Authority, shall administer the provisions of this Act. The

Administrator shall receive a salary to be fixed by the Authority not to exceed the sum of Thirteen Thousand, Two Hundred Dollars (\$13,200) per year payable in installments in the same manner as the salaries of other State employees are paid, and he shall be allowed the same travel expenses in the performance of his duties as is allowed to other State employees as provided by law. The Administrator, with the approval of the Authority, and subject to the State Merit System, shall appoint all necessary clerks, stenographers, inspectors, and other employees to administer the provisions of this Act. The Administrator shall act as manager, secretary, and custodian of all records unless the Authority shall otherwise direct. The Administrator shall devote his entire time to said office. The Administrator, with the approval of the Authority, shall fix the duties of all employees of the Authority. The Administrator shall be at the time of his appointment a resident of the State of Alabama, and he shall have resided in the State for the last five years continuously prior to his appointment.

“Section 15. *Funds from Operation of Markets Allocated.*—All funds collected under the operation of this Act shall be deposited in the State Treasury to the credit of a special fund for the use of the Farmers Market Authority, and shall be used solely for maintenance, repairs and capital outlay for markets and market facilities and for payment of other expenses of operation as approved by the Authority and liquidation of costs of construction of such markets and facilities. Such funds shall be paid out on warrants drawn by the State Comptroller on the State Treasury, upon the authorization of the Administrator of the Farmers Market Authority.

“Section 17. *Leases of Facilities of Farmers Market Authority.*—To assure the liquidation of the costs incurred in the installation of facilities at farmers markets, the Farmers Market Authority is hereby authorized to enter into contracts whereby persons who desire space or facilities at such markets may lease such facilities or space as necessary for their operation for a term not exceeding twenty years. Such contract or lease, or both, shall contain provisions for the termination of such contract, or lease, or both, upon the breach of the conditions therein or upon the failure to comply with the rules and regulations promulgated by the Authority. The venue of any action resulting from the termination of such a lease or contract, or both, shall be either in Montgomery County or the county in which such market is located.”

Section 2. If any of the provisions of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not

affect any other provision, part, or portion of this act which is not of itself invalid or unconstitutional.

Section 3. Act No. 221, H. 178, Legislature of 1969, Special Session, approved May 15, 1969, is hereby repealed, but nothing herein shall be construed to repeal any other Act, or amendment thereto, relating to the Farmers Market Authority as it is the intent and purpose of this Act to replace and supersede said Act No. 221, H. 178 and to further amend Act No. 672, Legislature of 1965, as amended, as hereinabove provided.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1969.

Time: 8:10 A.M.

Act No. 271

S. 238—Pierce

AN ACT

To amend Title 55, Section 84, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 55, Section 84, Code of Alabama 1940, is hereby amended to read as follows:

“All accounts against the state must be accurately and fully itemized.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1969.

Time: 8:11 A.M.

Act No. 272

S. 268—Skidmore

AN ACT

To amend Sections 7, 8 and 12 of Act No. 558, Regular Session, 1943, approved July 9, 1943 (Alabama Acts of 1943, page 548 et seq.), by providing for the preparation and use of uniform accident reporting forms.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 7, 8 and 12 of Act No. 558, Acts of Alabama 1943, page 548 et seq., be and the same are hereby amended to read as follows:

"Section 7. WRITTEN REPORTS OF ACCIDENTS. Every law enforcement officer, who in the regular course of duty, investigates a motor vehicle accident, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within 24 hours after completing such investigation, forward the necessary completed written report or copy thereof of such accident to the Director on the uniform accident report form supplied by the Director."

"Section 8. ACCIDENT REPORT FORMS. (a) The Director shall prepare and upon request supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, uniform accident report forms required hereunder. The required written accident report to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information, to disclose with reference to a traffic accident, including but not limited to location of accident, probable cause, injuries to persons, property damage, deaths of persons, registration of vehicles involved including license numbers, name, address and driver's license number of operator, highway design and maintenance (including lighting, markings, and road surface), and names and addresses of witnesses. (b) Every accident report required to be made in writing shall be made on the uniform accident report form approved and supplied by the Director and shall contain all available information required therein."

"Section 12. DIRECTOR TO TABULATE AND ANALYZE ACCIDENT REPORTS. The Director shall tabulate and analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents. The Director shall make available to the State Highway Director all accident reports so that he may obtain sufficient detailed information so as to provide data for surveillance of traffic for detection and correction of high or potentially high accident locations."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1969.

Time: 8:12 A.M.

Relating to counties having populations of not less than 100,000 nor more than 115,000; to provide an additional, alternative procedure whereby cities and towns in such counties may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in counties having populations of not less than 100,000 nor more than 115,000 according to the most recent federal decennial census.

Section 2. Whenever a majority of the owners of property located and contained within any territory contiguous to the corporate limits of any municipality located in any such county, and said property does not lie within the corporate limits or police jurisdiction of any other municipality, shall sign and file a written petition with the city clerk of such municipality requesting that such property or territory be annexed to such municipality, with such property or territory proposed to be annexed being accurately described in the said petition, the governing body of such municipality may provide by ordinance for the annexation of such property or territory to such municipality in the following manner. Upon the filing of said petition, the governing body of the municipality shall cause said petition to be published once a week for two consecutive weeks, in a newspaper of general circulation in the county in which said municipality is located or, if there is no newspaper, then by posting a copy of said petition in four conspicuous places within the municipality, together with a notice specifying the date, hour and place of the meeting, that the governing body of such municipality will meet on a day certain, but not less than ten days after the last date of publication of said notice is published, or not less than twenty days after the first posting of said petition and notice, to consider the adoption of an ordinance annexing such property or territory described in such petition to the municipality. On the date set in such public notice the governing body of the municipality shall hold a public meeting to determine the truth of the matters set forth in the petition and to hear any person who desires to be heard either in favor of or in opposition to the annexation of such property or territory to the municipality, and at said hearing any landowner who had signed the petition for annexation may have his name removed from the petition upon his request for such removal made to the governing body of the municipality. If, at the conclusion of said hearing, the names of a majority of the total number of owners of the property located and contained within the territory considered for annexation shall remain on the petition, the governing body of the municipality may proceed to adopt an ordinance assenting to the annexation of said property or territory to the municipality, and the corporate limits of such municipality shall

be extended and rearranged so as to embrace and include such property and such property or territory shall become a part of the corporate area of such municipality upon the effective date of said ordinance. If the names of a majority of the total number of landowners of the property or territory considered for annexation do not remain on the petition at the conclusion of said hearing, said property or territory shall not be annexed by ordinance under the provisions of this Act. It shall be the duty of the governing body to file a description of the property or territory annexed in the office of the judge of probate in the county in which the municipality is located.

Section 3. The provisions of this Act shall in nowise preclude any municipality in any such county from extending its corporate limits by annexation in any other way or manner that may be authorized by law.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1969.

Time: 8:15 A.M.

Act No. 274

S. 436—O'Bannon

AN ACT

To provide for the supplemental compensation of the Circuit Judges of the 31st Judicial Circuit, and providing that the supplemental compensation herein provided, shall be in lieu of any and all other salary supplements heretofore authorized.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office of the Circuit Judges of the 31st Judicial Circuit, the salary of the Circuit Judges shall be supplemented by the County composing such Judicial Circuit, and the Board of Revenue or other like governing body of such county, is hereby authorized, empowered, and directed to supplement the salary paid by the State of Alabama to each Circuit Judge of the 31st Judicial Circuit, by an amount equal to 25% of the salary now, or hereafter paid said Judges by the State of Alabama. The supplement hereby authorized shall be paid in equal, monthly installments, out of the general fund in the county treasury, and shall be, in addition to the salary paid such Judges by the state.

Section 2. Act No. 195, S. 424, Regular Session 1967 (Acts of Alabama, 1967, Vol. 1, P. 560) shall be repealed upon the expiration of the term or terms of office of the Judge or Judges of the 31st Judicial Circuit, whose term or terms first expire.

Section 3. This Act shall become effective as to all Circuit Judges of the 31st Judicial Circuit, immediately after the expiration of the term or terms of office of the Judge or Judges whose term or terms first expire, after its passage and approval by the Governor, or upon its otherwise, becoming a law.

Approved August 7, 1969.

Time: 8:16 A.M.

Act No. 275

S. 470—Radney

AN ACT

To change the method of compensating certain officers of Tallapoosa County; placing such officers on a salary basis at the expiration of certain terms and providing for the operation of their offices on such basis; providing that this act shall be subject to the ratification of a certain amendment to the Constitution and the approval of the voters of Tallapoosa County voting thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Tallapoosa County shall be entitled to receive compensation as follows:

- (a) For the probate judge, a salary of \$18,000.00 per annum;
- (b) For the tax assessor, a salary of \$12,000.00 per annum;
- (c) For the tax collector, a salary of \$12,000.00 per annum;
- (d) For the clerk of the circuit court, a salary of \$12,000.00 per annum;
- (e) For the sheriff, a salary of \$15,000.00 per annum.

Such salaries shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid such officers, and shall be payable in equal monthly installments out of the general fund of the county.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of said officers, including any remuneration received by the tax assessor and tax collector in relation to assessing and collecting municipal taxes, shall hereafter be collected and paid into the general fund of the county.

Section 3. The court of county commissioners, board of revenue or other like governing body of Tallapoosa County shall provide the probate judge, the tax assessor, the tax collector, the clerk of the circuit court and the sheriff with such office personnel, clerks and deputies and such quarters, books, stationery, furniture, equipment, postage and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of their respective offices. Each officer shall appoint his own clerks and assistants who shall serve at his pleasure, and their compensation shall be fixed by the County governing body. All such compensations shall be paid in equal monthly installments out of the general fund of the county.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective as to each officer named herein upon the expiration of the term for which each such officer is elected at the general elections to be held in November 1970, and 1972 respectively, provided an amendment to the Constitution authorizing the legislature to change the method of compensating such officers shall have been ratified and if a majority of the qualified electors of Tallapoosa County who vote thereon vote in favor of the adoption of such amendment when it is submitted. If a majority of the qualified electors of Tallapoosa County who vote thereon vote against the adoption of the amendment, this act shall be of no further effect even though the amendment to the Constitution is ratified.

Approved August 7, 1969.

Time: 8:18 A.M.

Act No. 276

S. 491—Skidmore

AN ACT

To amend further Act No. 491, S. 444, Regular Session 1961, relating to cities having populations of not less than 60,000 nor more than 70,000 according to the most recent federal decennial census (Acts 1961, p. 563) so as to provide expense allowances for the chairman and associate members of the city commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 491, S. 444, Regular Session 1961, an act relating to cities having populations of not less than

60,000 nor more than 70,000 according to the most recent federal decennial census (Acts 1961, v. 1, p. 563) is hereby amended so as to read as follows:

"Section 8. For the performance by him of the duties imposed by this Act, including any additional duties that may be assigned to him hereunder, the chairman of the commission board shall receive \$10,000 per annum, and each associate commissioner shall receive a salary of \$6,000 per annum. All such salaries shall be paid monthly or semimonthly, as city employees are paid, during their respective terms of office, and shall be paid out of the general fund of the city. In addition to his salary, the chairman shall receive the sum of \$8,000 per annum as an expense allowance, and each associate commissioner shall receive an additional sum of \$1,200 per annum as an expense allowance, which shall be payable out of the general funds of the city in equal monthly installments. The payment of all funds out of the treasury shall be by warrants signed by the city clerk and countersigned by the chairman of the commission board, but no funds may be paid out for any purpose except as authorized by resolution or ordinance duly adopted making such provision."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall remain in effect until H. 667, introduced into the Legislature on June 3, 1969, is enacted into law and becomes effective as to the chairman and associate members of such commission.

Approved August 7, 1969.

Time: 8:20 A.M.

Act No. 277

S. 535—Jackson

AN ACT

To provide further for the compensation of the county solicitor or deputy district attorney in all counties having populations of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census, the salary of the county solicitor or deputy district attorney shall be six thousand dollars (\$6,000) per annum. Such salary shall be paid out of the county treasury in equal monthly installments in the same manner as other county officers are paid.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1969.

Time: 8:22 A.M.

Act No. 278

S. 625—Skidmore

AN ACT

To regulate the compensation payable by the county to the stenographic secretary of the district attorney of any circuit in this state composed of one county having a population of not less than 100,000 nor more than 115,000.

Be It Enacted by the Legislature of Alabama:

Section 1. That part of the salary of the stenographic secretary of the district attorney of any circuit composed of one county having a population of not less than 100,000 nor more than 115,000, according to the most recent federal decennial census, payable from the treasury of such county shall be \$400 per month. Such salary shall be paid from the general fund of said county as the salaries of other county officers and employees are paid and shall be such secretary's total salary payable by said county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on the first day of the month beginning after the passage and approval of this Act by the Governor or its otherwise becoming law.

Approved August 7, 1969.

Time: 8:23 A.M.

Act No. 279

S. 426—Oden

AN ACT

To make a conditional appropriation from the Alabama Special Educational Trust Fund for capital outlay purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund the sum of one hundred thousand dollars (\$100,000.00) for construction and equipping of Lynn High School in Winston County for the fiscal year ending September 30, 1970.

Section 2. The herein appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor.

Section 3. This Act shall become effective October 1, 1969.

Approved August 7, 1969.

Time: 8:25 A.M.

Act No. 280 H. 90—Pennington, Jones, McLain, Grainger,
Laxson

AN ACT

To amend Act No. 863, H. 1061, Regular Session 1965 (Acts 1965, p. 1605), an act to create the Alabama Space Science Exhibit Commission; amending Section 3 of such act so as to exempt certain employees of the Commission from the provisions of the state merit system act, to provide that such employees shall not be eligible to participate in the state's health insurance plan and benefits for state employees or in the state employees' retirement system; and amending Section 8 of such act so as to define further the duties, powers and authority of the commission, specifically with reference to programs for promoting and advertising the exhibits and facilities provided by this act, to purchasing by the commission and to the operation of concessions on the grounds and facilities operated by the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 863, H. 1061, Regular Session 1965 (Acts 1965, p. 1605), an act relating to the Alabama Space Science Exhibit Commission, is amended to read as follows:

"Section 3. The commission shall be authorized:

"1. To investigate and select an available site for housing the exhibits, including the surrounding grounds, in cooperation with the Department of The Army and the community, taking into consideration all pertinent factors affecting the suitability of such site;

"2. to acquire by rent or lease agreement or otherwise, the necessary housing facilities; and to establish, improve and enlarge the available facility, including providing it with necessary

equipment, furnishings, landscaping, and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters;

"3. to enter into such contracts and cooperative agreements with the local, state, and federal government, with agencies of such governments including the Department of The Army and the National Aeronautics and Space Administration, with private individuals, corporations, associations, and other organizations, as the commission may deem necessary or convenient to carry out the purpose of this Act, with such contracts and agreements to include leases to private industry;

"4. to borrow money from private sources or such other source as may be acceptable to the commission under such terms and conditions as may be provided by law, and, in order to provide security for the repayment of any such private loans, the commission shall have the authority to pledge such future revenues from admissions and any other sources as may from time to time, be necessary or desirable;

"5. to issue and sell, subject to the approval of the Governor, interest bearing general obligation bonds not in excess of one million, nine hundred thousand dollars (\$1,900,000.00) in principal amount, as authorized by constitutional amendment. Such bonds shall be general obligations of the State of Alabama with full faith and credit and taxing power of the State to be pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction, establishment, improvement or enlargement and equipment of building facilities and related grounds including the renewal or replacement of structural parts of such facility, but not including the purchase of the site for such facility;

"6. to issue and sell at any time and from time to time its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain a facility, and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable solely out of the revenues derived from the project;

"7. to make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the commission from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;

"8. to accept public or private gifts, grants and donations;

"9. to acquire property by purchase, lease, gift, or license, but not to include the purchase of a site for the facility;

"10. to allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury, for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this Act;

"11. to sell, convey, transfer, lease or donate any property, franchise, grant easement, license or lease or interest therein which it may own, and to transfer, assign, sell, convey or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;

"12. to employ an executive director and such additional personnel as may be necessary to accomplish the purposes of this Act. The executive director and such additional personnel as may be employed by the commission will serve at the pleasure of the commission. The commission shall fix the compensation of the executive director and such additional personnel and such compensation shall be paid from the funds of the commission. The commission shall designate the duties and authority of the executive director and such additional personnel. The executive director and such additional personnel shall not be subject to the provisions of the state merit system act and they shall not be eligible for participation in the state health insurance plan and benefits for state employees as provided in Act No. 833, S. 128, Regular Session 1965, as amended, (Acts 1965, p. 1564) and they shall not be eligible for participation in the state employees' retirement system;

"13. to make such rules and regulations as the commission may deem necessary and desirable to provide for the operation, management and control of the facility in cooperation with the Department of The Army and with the National Aeronautics and Space Administration;

"14. to perform such other acts necessary or incidental to the accomplishment of the purposes of this Act whether or not specifically authorized in this section, and not otherwise prohibited by law."

Section 2. Section 8 of Act No. 863, H. 1061, Regular Session 1965 (Acts 1965, p. 1603), an act relating to the Alabama Space Science Exhibit Commission, is amended to read as follows:

"Section 8. The provisions of this Act shall be construed liberally, it being the purpose to provide in this State appropriate housing facilities for displaying to the general public ex-

hibits of the Department of The Army and of the National Aeronautics and Space Administration and for providing for the management and control of that portion of the display furnished and supplied by the National Aeronautics and Space Administration by such means as may be feasible and agreed upon.

"In view of the unique character and complexity of the duties and responsibilities imposed on the Commission by this Act, it is hereby specifically provided that the Commission shall have, in addition to the power and authority enumerated in Section 3, *supra*, the right, power and authority to (1) develop and institute a program of promotion and advertising of the exhibits and facilities provided for by this Act, said program of promotion and advertising to be conducted by the Commission both within and without the State in such manner and to such extent as may be deemed economically advisable and appropriate by the Commission; (2) to purchase and acquire items of tangible personal property on a competitive bid basis in the manner prescribed by law for the purchase of such items by state trade schools, state junior colleges, state colleges and universities under the supervision and control of the State Board of Education, the city and county boards of education, the county boards of revenue or other similar county governing bodies, and the governing bodies of the municipalities of the State and the governing boards of instrumentalities of counties and municipalities under Act No. 217 adopted at the Special Session of the Legislature of Alabama of 1967, as amended; and (3) to itself operate, or in its discretion enter into lease agreement with a person or agency of its choosing to operate all concessions located in or on the grounds and facilities operated by the Commission, any such lease agreement to be so designated as to provide maximum services and convenience to the patrons of the exhibit center and to provide reasonable revenue return to the Commission."

Section 3. All laws or parts of laws, local, special or general, in conflict with the provisions of this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 7, 1969.

Time: 3:42 P.M.

Act No. 281 H. 279—Grainger, Cook (Jefferson), Ellis, Cook (Coffee), Jones, McLain, Dill, Manley, Williams, Lybrand, Tuck, Malone,

Money, Smith, Beck, Lemley, Lyons, Turnham, Collins (C), Headley, Owens (W), Hain, Jackson (F), Mays, R. Berryman, Burgreen, Edington, Bank, McElhaney, Weeks, Watkins, Adwell, Sessions, Cherner, Slate, Doss, Graham, Meade, Crane, Drake, Hill, Haygood, Gloor

AN ACT

To promote safe transportation of pupils to and from schools and in school related activities; to direct the state board of education to prescribe certain rules and regulations designed to promote this purpose; to provide for school transportation managers or supervisors; to prescribe certain equipment for school buses; to provide for safety inspection of school buses; to provide for special training and licensing of school bus drivers; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The state board of education shall prescribe rules and regulations:

1. Requiring all local boards of education which provide transportation services for pupils going to and from public elementary and secondary schools of Alabama or in school-related activities, and the presidents of all state junior colleges and directors of all state trade schools which provide transportation services for pupils going to and from said trade schools or junior colleges, to employ a competent supervisor or manager of such transportation services, whether such transportation services are provided in publicly owned or privately owned buses;

2. Requiring periodic safety inspection of all vehicles used for transporting pupils, whether such vehicles are publicly or privately owned;

3. Requiring and providing for special training and licensing of drivers of all vehicles used to transport pupils to and from school and in all school-related activities, whether such vehicles are publicly owned and operated or operated under contract with a private owner.

Section 2. Safety inspectors provided for in the rules hereinabove mentioned shall be made by authorized, qualified state department of education employees and shall be made at least once each year and more often when, in the judgment of the state superintendent of education, such inspections should be made. The state director of public safety shall advise and consult with the state department of education relative to the type and manner of inspections to be made and the scheduling thereof. When a safety check by a state school bus inspector indicates that a bus

does not meet the safety standards set up by the state board of education, the inspector shall immediately report this fact to the local board of education using such bus. The report shall define the deficiency and prescribe the immediate status of the bus regarding its use; and any bus found by the inspector to be unsafe for operation shall not be used to transport pupils until appropriate repairs have been made. Any restrictions placed on a school bus by an official inspector can be listed only (1) when a follow-up inspection reveals that the deficiency has been removed, or (2) when the local superintendent of education certifies to the state department of education that the prescribed repairs or corrections have been made.

Records and reports relative to such inspections and corrections shall be made on forms prescribed by the state board of education. Such records and reports shall be maintained on file by the local board of education for a minimum period of one year.

Section 3. From and after September 1, 1970, regulations made pursuant to an order of the board of education requiring and providing for special training and licensing of drivers of vehicles used to transport pupils to and from school shall require an applicant for a school bus driver's license to be the holder of a currently valid regular driver's license and to complete a minimum of twelve clock-hours of approved instruction in school bus driving and to pass satisfactorily a written examination and also a driving performance test. The written examination shall be designed by the state superintendent of education with the cooperation of the state director of public safety and may be given to the applicant either by an employee of the state department of education or a state trooper or other representative of the state department of public safety as the state superintendent of education and the director of public safety agree; but the driving performance test shall be given by a state trooper or other representative of the state department of public safety. The plan for the performance test shall, however, be submitted to and approved by the state superintendent of education before the performance test is given. If the applicant for a school bus driver's license satisfactorily passes the test, the testing officer shall report this fact to the state superintendent of education, and shall send a copy of such report to the local superintendent of education of the county or city where the applicant desires a job as a school bus driver.

Upon receipt of the testing officer's report of an applicant having satisfactorily passed the examinations, the state superintendent of education shall issue a special school bus driver's license. Such license shall be valid for one year from the date of its issuance and may be renewed for an additional year if the applicant has attended the annual twelve clock-hour training

sessions for school bus drivers conducted in such manner as the state superintendent of education prescribes. Such rules may also provide for the issuance of temporary permits or licenses for school bus drivers who have had a minimum of four clock-hours of instruction conducted by representatives of a local board of education. Holders of such temporary licenses shall only be employed for the purpose of filling vacancies which develop between scheduled training periods and such temporary licenses shall be valid for a maximum of six months only.

Section 4. All local boards of education, all presidents of state junior colleges and all directors of state trade schools which provide transportation services for pupils or students going to and from public elementary and secondary schools, junior colleges or trade schools, and in school or college related activities shall have safety inspections made of all vehicles used for such transportation at least once each month, whether such vehicles are publicly owned and operated or privately owned and operated under contract between the board of education, board of trustees or other governing body of a junior college and the owner of vehicle. All safety inspections made hereunder shall be made by qualified mechanics in accordance with standards and rules established by the state board of education.

Section 5. (a) No school bus shall be operated on a public street, highway or elsewhere unless it shall be equipped with a seat belt for the driver. This provision shall become effective on September 1, 1970.

(b) The driver of a school bus while transporting pupils on a public street or highway or elsewhere shall wear a properly fastened seat belt when the bus is in motion. Failure of a bus driver to comply with this requirement shall be prima facie evidence of non-feasance of duty and any driver who fails to comply with this requirement shall be subject to dismissal.

(c) Every contract between a board of education and a school bus contract operator shall contain a clause requiring the drivers of school buses to wear a properly fastened seat belt when the bus is being used for the transporting of pupils on a public street or highway or elsewhere. Failure of any driver to comply with this requirement shall constitute a breach of contract on the part of the contract operator.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1969.

Time: 3:45 P.M.

Act No. 282

H. 901—Steagall

AN ACT

To validate public hospital associations for public hospital purposes attempted to be organized under Act No. 211 adopted at the 1945 Regular Session of the Legislature of Alabama, as originally adopted or amended, where the governing body of a county, a city, or both, has or have authorized the incorporation of such association but where the attempted incorporation is invalid or irregular because of some irregularity in the procedure for incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases where the governing body of a county has, or the governing bodies of a county and of a city have, adopted a resolution, or resolutions, authorizing the incorporation, under Act No. 211 adopted at the 1945 Session of the Legislature of Alabama, as originally enacted or as subsequently amended, of a public hospital association for public hospital purposes, and there has been an attempt to organize such public hospital association, by the directors appointed by the governing body of the county, or the governing bodies of the county and city, presenting to the Secretary of State an application signed by them, which shall set forth that notice has been given and a public hearing has been held and that they have been appointed by the local governing body, or bodies, as members of the board of directors of the hospital association, and that they desire the hospital association to become a public body and body corporate, and the name which is proposed for the corporation, and the Secretary of State has received, filed and recorded the application in an appropriate book of records in said Secretary of State's office, then such public hospital association shall be and is hereby validated ab initio notwithstanding and failure on the part of the governing body of the county, or the governing bodies of the county and city, to comply with all the requirements of said Act; provided this act shall not apply to the incorporation of any public hospital association that has been held invalid by a court of competent jurisdiction by judgment or decree entered prior to the effective date of this act, or to the incorporation of any public hospital association the validity of which is an issue in any pending suit commenced prior to the effective date of this act.

Section 2. This act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved August 7, 1969.

Time: 3:40 P.M.

Act No. 283

H. 981—Merrill, Lybrand, Burgess

AN ACT

Relating to cities having populations of more than thirty thousand and not exceeding forty-five thousand according to the most recent federal decennial census; to validate certain elections purportedly held pursuant to Act No. 404, S. 430 of the Regular Session of 1953 (Acts, 1953, p. 472), and to amend said Act No. 404, which authorizes, provides for and regulates the adoption of the council-manager form of government by any such city, so as to provide further for notice required of the election of the first council after a city elects this form of government, and to provide for holding and conducting the elections of the first and subsequent city councils under this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. All elections heretofore held, pursuant to a call purporting to be issued under Article I, Section 1.03 of Act No. 404, S. 430 of the Regular Session of 1953 (Acts, 1953, p. 472), not less than forty days after the receipt of a certificate from the probate judge, certifying that a petition, signed by the requisite number of qualified voters has been filed with him, are hereby ratified, validated and confirmed, notwithstanding the date of any such election or whether or not notice thereof was given in strict compliance with said Section 1.03.

Section 2. Article I, Section 1.07 of said Act No. 404, S. 430 of the Regular Session of 1953 (Acts, 1953, p. 472), which authorizes, provides for and regulates the adoption of the council-manager form of government by any city having a population of more than thirty thousand and not exceeding forty-five thousand according to the most recent federal decennial census, is hereby amended to read as follows:

"1.07. Election of first council: term of office.—Within five days of the date of his receipt of the certificate of adoption the probate judge with whom the certificate was filed shall call an election to be held on the first Tuesday in September after the first full month of July following the adoption of this Act. The expenses of this election shall be paid by the city. Before calling such election the probate judge shall cause the city to be divided into five wards containing as nearly equal number of people as possible. Candidates shall qualify in the manner prescribed in section 3.02 hereof and shall have the qualifications and eligibility set forth in section 3.03 and 3.04 hereof. Each

candidate shall announce the ward from which he desires to become a candidate. Each voter in the election may cast one vote for a candidate from each of the wards. Any candidate receiving a majority of the total votes cast for the candidates from the ward from which he is a candidate shall be elected as the councilman from his ward. In the event that any or all of the wards shall not have a candidate who received such a majority in the said election then as to such ward or wards there shall be a run-off election to be held two weeks after the first election. In the run-off election only those two candidates from each ward who receive the largest vote in the first election shall be eligible in the run-off election, and only these two shall have their names placed on the ballot for the run-off election. Any candidate receiving a majority of the total votes cast in the run-off election for the candidates from the ward from which he is a candidate shall be elected as the councilman from his ward. The councilmen so elected shall take office on the first Monday in October following the election. Each councilman shall hold office for four years, but shall serve until his successor shall have qualified. A councilman may succeed himself in office.

“Notwithstanding any notice requirements of any other statute or statutes concerning municipal elections, a notice published by the probate judge, with whom the Certificate of adoption was filed at any time not less than twenty (20) days prior to said election, shall be deemed sufficient notice of said election. Said notice shall, in substance, state the month, day and year of said election and the purpose for which it is called. Said notice shall further recite that the probate judge has divided the City into wards as provided under this Act, and state where a copy of the order of the probate judge dividing the City into wards has been filed. Said notice shall be published not less than one time in a newspaper published in the City, and if no newspaper is published in the City, then by posting notices in three public places within the municipality. The date of said election of the first Council provided for in this Act shall prevail notwithstanding any other statute or statutes concerning municipal elections. In the event said election should not take place on the day appointed, the same shall be called by the probate judge and held on some Tuesday as early as is convenient thereafter, but not less than forty-five (45) days thereafter. In such event the probate judge shall give at least fifteen (15) days notice of said election which shall be given in the same manner as provided for the notice to be given by the probate judge as stated above. Any run-off election shall be held as provided above. The councilmen so elected in a delayed election shall take office the first Monday of the month following the election or run-off election, if one be necessary. The election of the first Council shall, except as otherwise provided herein as to the call

and notice of said election, the date or dates of elections and run-off elections, the qualification of the candidates and other matters specifically declared to be to the contrary in this Act, be held and conducted, in the same manner as provided by law in respect to municipal elections in cities of this state which have a population of its size according to the latest federal decennial census for cities not organized under a commission form of government. All municipal officers of the City shall have the same duties and responsibilities as they have with respect to said municipal elections. The call of said election by the probate judge shall be sufficient to require any municipal officer or officers to comply with their duties and responsibilities with regard to all municipal elections, including the designation of places of voting, appointment of election officers and other matters concerning the elections. Said officer or officers shall issue any orders necessary to cause all election requirements to be met. Notwithstanding any provision of any other statute or statutes there shall be no requirement that, in the election of the first Council, an elector must vote only in the ward of his residence."

Section 3. Article III, Section 3.01 of said Act No. 404, S. 430 of the Regular Session of 1953, is amended to read as follows:

"The council shall have five to seven members with one elected from each ward. Subsequent to the election of the first council, all elections of councilmen shall be held at the same times and in the same manner as provided by law in respect to municipal elections in cities of this state which have a population of its size according to the latest federal decennial census for cities not organized under a commission form of government, with respect to the calling of said elections, notice of said elections, qualifications of candidates and all other matters concerning said elections."

Section 4. Article III, Section 3.02 of said Act 404 is amended to read as follows:

"Any person desiring to become a candidate at the election of the first council for the office of councilman may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least thirty days before the day set for such election and shall be in substantially the following form:

State of Alabama

County of

"I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of, that I desire to become a candidate from the ward for the office of councilman in said city at the election for said office to be held on the day of September next and I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election.

Signature of candidate

.....
Typed name of candidate

"Subscribed and sworn to before me by said
on this day of, 19.....

.....
Style of Officer

"Filed in my office on this day of,
19.....

.....
Judge of Probate

Said statement shall be accompanied by a petition signed by not less than, nor more than ten electors, who shall be designated as said candidate's sponsors. Sponsors may but need not reside within the ward in which the candidate resides. No elector shall sign more than one such petition, and should an elector do so, he shall be guilty of a misdemeanor. With each signature shall be stated the place of address of each sponsor. Nominating petitions shall be in substantially the following form:

"We the undersigned ten electors of the City of, hereby nominate and sponsor, whose residence is, as a candidate for the office of councilman from the ward in the election to be held on the day of September, 19.....: and we individually certify that our names have appeared on the rolls of registered voters of this city within the last year, that we are qualified to vote for a candidate for the council and that we have not signed any other nominating petition for that office. We further state we know said to possess the qualifications necessary for said office, and to be in our judgment a fit and proper person to hold said office.

Witness our hands on this the day of,
19....."

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1969.

Time: 3:39 P.M.

Act No. 284

H. 940—Lemley

AN ACT

Proposing an amendment to the Constitution relating to levying a special school tax in the school district of the City of Oneonta in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

“Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of one dollar on each one hundred dollars worth of taxable property in the School Tax District of the City of Oneonta, Blount County, to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the School District as hereinafter provided.

“Section 2. In the event this amendment is approved and a majority of the qualified electors of the School Tax District of the City of Oneonta who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in Section 1 shall be levied and collected without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of the School Tax District of the City of Oneonta who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of the School Tax District of the City of Oneonta and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for,

and governed otherwise in the manner provided for an election on the school district tax authorized in Constitutional Amendment III; provided however, that it shall not be a condition precedent to any election on the school district tax herein provided for or to the levy and collection of such tax that a like or any other county-wide school tax be being levied and collected in Blount County.

"Section 3. In the event the special school tax herein authorized shall be approved as herein provided and the Board of Education of the City of Oneonta anticipates the proceeds therefrom by issuing securities payable, in whole or in part, out of such proceeds, the provisions of Sections 220, 221 and 224 of Title 52 of the Code of Alabama of 1940 shall not apply to any such securities.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed by the House July 15, 1969.

Passed by the Senate August 7, 1969.

Act No. 285

H. 1057—Smith

AN ACT

Proposing an amendment to the Constitution of Alabama to authorize the consolidation of county offices in Talladega County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

Proposed Amendment

The Legislature may from time to time, by general or local law, provide for the transfer of the duties, or a part of the duties, of one county officer of Talladega County to another officer of such county; or consolidate any two or more offices of such county into one county office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed by the House July 22, 1969.

Passed by the Senate August 7, 1969.

Act No. 286

S. 210—Givhan, Engel, Clark,
Cooper, Adams and
Goodwyn

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the State to engage in works of internal improvement in promoting and aiding the commercial flow of agricultural products within the State or to engage in works of internal improvement along navigable waterways within the State; authorizing the State to become indebted for not exceeding \$10,000,000 aggregate principal indebtedness in connection therewith and authorizing pledge of the faith and credit of the State to secure the repayment of such indebtedness and interest thereon.

Be It Enacted by the Legislature of Alabama:

Section I. The following amendment to the Constitution of Alabama is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

When authorized by appropriate laws passed by the Legislature, the State of Alabama may, in promoting and aiding the commercial flow of agricultural products within the State or in aid of commerce and use of the waterways of the State, at a cost not exceeding \$10,000,000, engage in works of internal improvement by promoting, developing, constructing, maintaining and operating within the State or along navigable streams and waterways now or hereafter existing within the State all manner of elevators, facilities, warehouses, docks, water and rail terminals and other structures and facilities and improvements needful for the convenient use of the same; provided that any such works or improvements shall always be and remain under the management and control of the State through the Alabama State Docks Department or other State governing agency and shall become part of the inland waterways facilities of the State. When authorized by appropriate laws passed by the Legislature, the State may, in addition to all other bonds of the State, become indebted in an aggregate principal amount of not exceeding \$10,000,000 for the purpose of carrying out the provisions of this amendment and may cause to be issued its general direct obligation bonds for the repayment of such indebtedness and interest thereon and pledge the faith and credit of the State thereto.

Section II. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the Regular Session of the Legislature of Alabama of 1969. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed by the Senate, as amended, June 10, 1969.

Passed by the House July 15, 1969.

Act No. 287 H.J.R. 51—Bowers, Holman, Waggoner, Weeks,
Crane, Ellis, Dill, Gafford, Money,
Jackson (T), Cooke (Jeff.)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state institution in Birmingham, now designated as Wenonah State Junior College, shall be hereafter designated and known as the Theodore Alfred Lawson Junior College.

RESOLVED FURTHER, That this resolution shall take effect upon its approval by the Governor or as otherwise provided in Article 5, Section 125 of the Constitution.

Approved August 12, 1969.

Time: 4:30 P.M.

Act No. 288 H.J.R. 62—Turnham, Tuck, Higginbotham

HOUSE JOINT RESOLUTION

WHEREAS it has been learned with profound sorrow of the untimely death of Mrs. Douglas L. Folsom, state superintendent of education of the State of Arizona and nationally recognized educator; and

WHEREAS Mrs. Folsom, the former Sarah Blanton, native of Notasulga was graduated in 1936 from Judson College which institution awarded her an honorary doctoral degree in 1966. She received her master's degree from Auburn University and prior to leaving this state, taught in several Alabama cities; and

WHEREAS Mrs. Folsom was nationally renowned for her outstanding talents and administrative ability in the field of education. She had served six terms as county superintendent of education for Yavapai County, Arizona and was serving her second term as state superintendent of education at the time of her death; and

WHEREAS Mrs. Folsom is survived by her husband and two sons, Douglas L. Folsom III, a student at the University of Alabama Medical College, and James B. Folsom of Prescott, Arizona; her parents, Mr. and Mrs E. E. Blanton of Opelika, Alabama; three sisters, Miss Bessie Lee Blanton, of Atlanta, Georgia and Mrs. James C. Folsom and Mrs. Walter C. Folsom, both of Tuscaloosa, Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we

deeply regret the passing of Mrs. Folsom and extend our heartfelt sympathy to the surviving members of her family, to whom copies of this resolution shall be sent.

Approved August 12, 1969.

Time: 4:31 P.M.

Act No. 289

H.J.R. 66—Yeilding

HOUSE JOINT RESOLUTION

WHEREAS, Dr. Charles David Hounshell, formerly Dean of Newcomb College of Tulane University, has been named President of Birmingham-Southern College effective July 1, 1969; and

WHEREAS, said Birmingham-Southern College, a Methodist Church related liberal arts college, is a strong and vital element of higher education in Alabama; and

WHEREAS, the appointment of Dr. Hounshell as President will bring further distinction to Birmingham-Southern College and enhance its role in our system of higher education; and

WHEREAS, the Legislature of Alabama desires to extend a warm welcome and good wishes to Dr. Hounshell and his family as they come to Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend to Dr. Charles David Hounshell and all members of his family a warm and sincere welcome to the State of Alabama and good wishes for his success as President of Birmingham-Southern College.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Dr. Charles David Hounshell as evidence of this action by the Legislature.

Approved August 12, 1969.

Time: 4:32 P.M.

Act No. 290

H.J.R. 67—Manley, Brassell, Bowers, Headley, Turnham, Higginbotham, Tuck

HOUSE JOINT RESOLUTION

WHEREAS Four Star Marine General Holland M. Smith was a native of Alabama, born in Hatchechubbee, Russell County, Alabama, in 1882; and,

WHEREAS General Smith graduated from Auburn University in 1901 and the University of Alabama School of Law in 1903; and,

WHEREAS he joined the United States Marine Corps and served with distinction for forty-one years in that world renowned military organization in which he established himself as the Father of Modern Amphibious Warfare during World War II in which he planned and led the offensive assaults at Tarawa, Saipan, Iwo Jima and numerous other Pacific Islands; and,

WHEREAS General Smith passed away in February, 1967, at the age of 84, and by his will established scholarship funds at both Auburn University and the University of Alabama so that he might make a higher education available for the many deserving young men and women of our State and thereby play a significant part in their future; and,

WHEREAS the Marine Corps Reserve Officers of the State of Alabama are presently engaged in a program to preserve and perpetuate the memory of General Holland M. Smith through a non-profit educational corporation, whose goal it is to augment the aforesaid scholarships established by General Smith; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby endorse, support and enthusiastically solicit the efforts of all Alabamians and all Marines everywhere to support this worthy endeavor to perpetuate the memory of this native Alabamian, one of the most illustrious leaders ever to serve in the United States Marine Corps.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Commandant of the Marine Corps, to the President of Auburn University, to the President of the University of Alabama, and to the Chairman of the Holland M. Smith Memorial.

Approved August 12, 1969.

Time: 4:33 P.M.

Act No. 291

H.J.R. 68—Cherner

HOUSE JOINT RESOLUTION

WHEREAS John Noble Graham, father of our esteemed colleague Bryce U. Graham of Colbert County has recently passed away, and

WHEREAS Mr. Graham throughout his long and fruitful life made many friends throughout the state, and was well regarded and respected by all who knew him, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of John N. Graham, and extend our deepest sympathy to his family.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mr. Bryce U. Graham.

Approved August 12, 1969.

Time: 4:34 P.M.

Act No. 292

H.J.R. 69—Burgess

HOUSE JOINT RESOLUTION

WHEREAS Richard A. Curley of Talladega, Alabama, while on duty as a Specialist 4th Class in the 30th Support and Transportation Battalion, Alabama National Guard, was tragically killed in a motor vehicle accident on the way to National Guard summer encampment at Camp Shelby, Mississippi, and

WHEREAS Richard A. Curley had selflessly devoted his time and energy in the military service of his country and state, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the needless and tragic death of this fine young man who symbolized the spirit of the citizen-soldier, and express our deepest sympathy to his family.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the family of Richard A. Curley.

Approved August 12, 1969.

Time: 4:35 P.M.

Act No. 293

H.J.R. 73—Owen (Baldwin), Brannan

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the classroom building at Yancey State Junior College in Bay Minette be named, known and designated as Ernest Stone Hall

in recognition of the great contributions to the field of education of State Superintendent of Education, Dr. Ernest Stone.

Approved August 12, 1969.

Time: 4:36 P.M.

Act No. 294

H.J.R. 74—Jackson (F), Foshee

HOUSE JOINT RESOLUTION

WHEREAS the Geneva County High School Band under the able leadership of band director, Norman R. Dasinger, was selected as one of the bands to participate in the New Orleans Mardi Gras parade in February 1968; and

WHEREAS this band was the only band chosen from the State of Alabama to participate in the night parade highlighting the Mardi Gras festivities, which was indeed a signal honor; and

WHEREAS no band, despite its talents, reaches this level of excellence without many hours of tedious practice and considerable sacrifice of time and effort on the part of its individual members; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Geneva County High School Band and its Director, Mr. Dasinger, for the band's splendid performance in the New Orleans Mardi Gras parade. We assure each member that his conduct and performance reflects much credit on the State of Alabama as well as upon himself.

RESOLVED FURTHER that a copy of this resolution be sent to the Geneva County High School Band and to Mr. Dasinger.

Approved August 12, 1969.

Time: 4:37 P.M.

Act No. 295 H.J.R. 81—Watkins, Gafford, Bowers, Jackson (T),
Crane, Waggoner, Kilgore,
Money, Gloor, Sessions, Dill,
Ellis, Yeilding, House, Cook
(Jefferson), Weeks, Downing,
Cherner, Meeks, Holman

HOUSE JOINT RESOLUTION

A RESOLUTION IN MEMORY OF PATROLMAN KENNETH L. SPENCER, JR.

WHEREAS, on July 13, 1969, Kenneth L. Spencer, Jr., a patrolman of the Police Department of the City of Birmingham, born July 21, 1942, in Greenfield, Massachusetts, was on an extra duty assignment at an integrated public swimming pool at Charles A. Harris Park in Ensley, Birmingham, Alabama, for the purpose of maintaining law and order for the protection of those using the pool, particularly children and youths;

WHEREAS, Patrolman Spencer, while attempting to arrest a 23 year old Negro, with a record of convictions for robbery and assault with intent to murder, who was creating a disturbance at the pool, was attacked by the previously convicted trouble maker, and in the ensuing encounter was shot at point blank range and killed with his own service revolver.

WHEREAS, Patrolman Spencer lost his life in an effort to protect the youth and children using the pool, incidentally all Negro, and thus lost his life upholding the long tradition of the Birmingham Police Department of maintaining law and order and protecting the lives of all citizens of the community, without regard to race, color or creed;

WHEREAS, Patrolman Spencer is to be highly commended for his courageous behavior on the occasion;

WHEREAS, the Legislature deplores the conditions which contributed to the untimely death of this fine young police officer;

WHEREAS, Patrolman Spencer was survived by a wife, a young son, residents of Birmingham, and by his parents, three sisters and four brothers, all residents of the State of California.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, as follows:

1. The Legislature recognizes the heroic sacrifice of Patrolman Kenneth L. Spencer, Jr., a casualty in the never ending war against crime and violence.

2. The citizens of Alabama mourn the loss of Patrolman Spencer, deplore his untimely death, and express their deep and sincere sympathy to the members of his family.

3. The attention of the people of Alabama is called to this sacrificial service in the line of duty, another example of the dedicated work of police officers in the City of Birmingham and all over the nation, in their day to day battle to maintain law and order in the face of growing threats from criminals, hoodlums, radicals and disturbers of the peace.

4. A copy of this resolution shall be sent to the members of Patrolman Spencer's family, viz:

His wife, Mrs. Ann Spencer and his son, Edward Lee Spencer, 309 - 19th Street, S.W., Birmingham, Alabama.

His parents, Mr. and Mrs. Kenneth L. Spencer, Ridge Crest, California.

His sisters, Mrs. Rick Butler and Mrs. Donald Tippits of Wastonville, California, and Miss Debbie Spencer of Ridge Crest, California.

His brothers, Douglas Spencer of Watsonville, California, and Larry Spencer, George Spencer, Bobby Spencer of Ridge Crest, California.

Approved August 12, 1969.

Time: 4:38 P.M.

Act No. 296

H.J.R. 83—Drake

HOUSE JOINT RESOLUTION

WHEREAS the National Bass Tournament was held at the magnificent 54,000 acre Lake Eufaula on July 10, 11 and 12; and

WHEREAS this outstanding sporting event is organized by the Bass Anglers Sportsman Society, Ray Scott, President; and

WHEREAS the mayor, other city officials and chamber of commerce of Eufaula were instrumental in sponsoring and promoting the National Bass Tournament; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, That this body takes great delight in noting the resounding success of this tournament; and hails the performance of the Bass Anglers Sportsman Society and, in particular, the outstanding contribution of its president, Ray Scott of Montgomery, in organizing and promoting the Society; and

RESOLVED FURTHER that the members of this body applaud the efforts of the mayor, other city officials and the members of the chamber of commerce of Eufaula in conducting this tournament.

RESOLVED ALSO, that copies of this resolution shall be sent to the President of the Bass Anglers Sportsman Society, Ray Scott, to its Secretary, and to the mayor of Eufaula.

Approved August 12, 1969.

Time: 4:39 P.M.

Act No. 297

H.J.R. 84—Rules Committee

HOUSE JOINT RESOLUTION

WHEREAS upon passage of House Joint Resolution No. 74, Act No. 324, approved September 1, 1955, it was the intention of the Legislature that the employees who were employed under said resolution would conform to the definition of "Employee" under Act No. 515 of the 1945 Legislature and would be eligible for coverage in the Employee's Retirement System of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That such employees as were employed under said resolution shall be eligible for coverage in the Employees' Retirement System of Alabama as other employees are covered and that service rendered prior to and following September 1, 1955 shall be creditable in the Employee's Retirement System of Alabama upon payment of contributions, which would have been made had these employees been allowed to join such retirement system, plus regular interest to date of payment. Such payment shall be made within eight months after passage of this resolution.

Approved August 12, 1969.

Time: 4:40 P.M.

Act No. 298

H.J.R. 87—Grainger, Laxson, Jones, McLain,
Pennington

HOUSE JOINT RESOLUTION

WHEREAS, At 9:56 p. m. on July 20, 1969, man took the longest step in his history and opened a new frontier in the heavens. Apollo 11 transformed the dreams of man for uncounted years into the reality of history's greatest adventure. In the name of peace, American astronauts made the first epic voyage into the ocean of space for the benefit of all mankind. And in the realization of an eight-year national commitment to become first in space, America recorded the world's greatest scientific achievement and inspired people everywhere. The product of centuries of scientific conjecture and experimentation, it was achieved through the creativity and dedication of the greatest task force ever assembled for a peaceful purpose. Its

primary purpose, and its greatest payoff, is to be described as the search for knowledge; and

WHEREAS, Alabama played a role unsurpassed by any state in leading America to the forefront of the Space Age. The first American satellite was placed into orbit by Explorer I, built in Huntsville, Alabama. The first American in space, Alan Shepard, was powered on his flight by a Redstone rocket. Marshall Space Flight Center, largest of all National Aeronautics and Space Administration installations, has developed the huge Saturn launch vehicles which have carried man beyond earth orbit and to the moon. Practically every county in Alabama is represented in the Marshall Center's large force of scientists, engineers, and technicians. More than one-third of the Center's professional personnel hold degrees from Alabama institutions of higher learning. The space business is Alabama's largest business and its economic and technological benefits are realized throughout the state; and

WHEREAS, Huntsville's first citizen, Dr. Wernher von Braun, has led the development of rocketry from its infancy to the Cosmic Age and has achieved international renown as the world's greatest rocket development leader since he and his team of rocket experts moved to Huntsville in the early 1950s; and

WHEREAS, In landing on the moon man has arrived at his first way-station in his journeys to the stars, the first of many mountains to be climbed in the future. The vigorous spirit which has brought American pre-eminence among space-faring nations will continue to kindle other scientific breakthroughs. Further planetary exploration will tell man still more about himself and his universe. An orbiting space station will add other new dimensions of scientific achievement: photographs and remote sensing devices can spot disease in crops and forests; locate underground water, oil, and minerals; help find fish in oceans; update maps; detect dumping of wastes into streams; measure ice and snow for better water management of lakes and reservoirs and for reducing the ravages of floods; measure soil fertility and salinity; and predict crop yields on a worldwide basis to help match supply with demand and prevent famine. The post-Apollo space research commitment can continue to enhance the lives of all men on earth through new products and services which "spin-off" from the original discovery. The dramatic lunar landing of July, 1969, can be a beginning toward still more fantastic achievements.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the hundreds of thous-

ands of Americans whose creativity and dedication made possible man's greatest scientific achievement, and particularly Dr. von Braun and his outstanding team at Huntsville. We offer our prayers to Astronauts Armstrong, Aldrin, and Collins for their safe return to earth and our gratitude to each of them for their signal achievement. We take cognizance of the fact that the discoveries, the advances in technology and the applications of knowledge which are within our reach during the post-Apollo years of space exploration can far exceed the remarkable first decade of the Space Age and we encourage the President and the Congress of the United States to continue our nation's resolve to remain first in space and in scientific achievement.

BE IT FURTHER RESOLVED That copies of this resolution be furnished Dr. Wernher von Braun, President Richard M. Nixon, and all members of Congress from Alabama.

Approved August 12, 1969.

Time: 4:41 P.M.

Act No. 299

H.J.R. 91—Edington

HOUSE JOINT RESOLUTION

WHEREAS, Honorable Joe Alex Killian, the former Director of the International Trade Center at the Port of Mobile, departed this life on July the 18th, 1969 in his 46th year; and

WHEREAS, Mr. Killian was a native of Salem, Alabama, a graduate of Auburn University and the Foreign Trade Institute, Phoenix, Arizona, and, for 12 years served with distinction as Director of Public Relations at the Alabama State Docks; and

WHEREAS, During his service in that position, he successfully developed the idea for and supervised the completion of the International Trade Center and served as its first director, after which he became Director of Communications for the Port of Baltimore, Maryland, in which position he was serving at the time of his death; and

WHEREAS, Mr. Killian's service in the area of International Trade has been most outstanding, in that, among other things, he organized Alabama's first Overseas Trade Mission, which venture was so successful that it has been repeated each year; and

WHEREAS, During his residence in Mobile, Mr. Killian served with distinction as Consul of the Republic of Colombia, and as Secretary of the Consular Corps during which time he was instrumental in enlarging Consular representation in Mobile

and was personally conducting classes in foreign languages and foreign affairs in Mobile; and

WHEREAS, Joe Killian dedicated his life to the development of this country's foreign trade and to the promotion of good will among men of all nations; and

WHEREAS, He is now and will always be sorely missed by his innumerable friends throughout the world:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the untimely death of Honorable Joe Alex Killian is recorded with deepest regret; that this legislature hereby expresses, on behalf of the people of Alabama, its sympathy and condolences to Mr. Killian's family and that a duly executed copy of this resolution be forwarded to them.

Approved August 12, 1969.

Time: 4:42 P.M.

Act No. 300

H.J.R. 92—Pennington, Grainger, Jones,
Laxson, McLain, Ellis

HOUSE JOINT RESOLUTION

WHEREAS, all Alabamians join people throughout the world in pride and gratitude upon the successful journey to the moon and back of American astronauts; and

WHEREAS, a distinguished Alabamian, Dr. Werhner Von Braun, has led the development of rocketry from its infancy to the Cosmic Age and has achieved international renown as the world's greatest rocket development leader since he and his team of rocket experts moved to Huntsville in the early 1950's. Dr. Von Braun demonstrated his ability in the field of rocketry as a teenager in his native Germany and since coming to America in 1945 has become a valued citizen of the United States. His technical knowledge and administrative ability are primarily responsible for the unparalleled success of the Apollo program. Under his direction, the Marshall Space Flight Center at Huntsville has developed the huge Saturn launch vehicles which have made it possible for man to free himself from his own gravitation and to realize the dreams of man from throughout the ages by going to the moon. No American has made a greater contribution toward this country's realization of its eight-year national commitment to become first in space than has Dr. Von Braun. His magnetic personality and his phenomenal direction of the world's leading space scientists in accomplishing this greatest

scientific achievement of all time have earned for him the well-deserved admiration and acclaim of all citizens; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body would be indeed honored to have Dr. Von Braun address the House and Senate in joint assembly.

RESOLVED FURTHER, that Dr. Von Braun be invited to address the Legislature on Tuesday, July 29, 1969, at 2:15 p.m. in the House Chamber, and that his long time good friend, the Honorable Albert P. Brewer, Governor of Alabama, be invited to introduce him.

Approved August 12, 1969.

Time: 4:43 P.M.

Act No. 301

H.J.R. 93—Grainger, Pennington, McLain,
Jones, Laxson

HOUSE JOINT RESOLUTION

WHEREAS, Major General Charles W. Eifler, Commanding General of the Army Missile Command at Redstone Arsenal, has been reassigned to Europe as Deputy Commander of the U. S. Army Europe and the Seventh Army, and has been recommended by President Nixon for promotion to Lieutenant General, which promotion and transfer has been sent to the U. S. Senate for confirmation, and

WHEREAS, General Eifler, who has served Redstone Arsenal on two occasions in an outstanding and honorable manner, is only the second officer selected to move up to a three-star post from Redstone Arsenal, and the first to go to a major army combat command, and

WHEREAS, In his recent assignment as Commanding General for the last two years, General Eifler has directed intensive efforts to increase the operational readiness of Army missile units throughout the world, and

WHEREAS, His assignment in 1967 to command AMC, a major commodity command of the U. S. Army Materiel Command brought him back to Redstone Arsenal for a third tour of duty. He had previously been Commandant of the U. S. Army Ordinance Guided Missile Site from 1959 to 1961. He returned to Redstone in April 1963, after commanding Frankford Arsenal and served at the Missile Command as Deputy Commanding General, Land Combat Systems until leaving for Viet Nam in December 1965, and

WHEREAS, During his service in Huntsville he has also earned the respect and admiration of his community and state for his splendid leadership in the field of public service, and particularly in encouraging and assisting in the advancement of higher education at the University of Alabama in Huntsville, and

WHEREAS, By separate resolution, this body, has invited Dr. Werhner Von Braun to address a joint session of the Legislature on July 29, 1969, at 2:15 p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring That we heartily commend General Eifler for his promotion and in recognition of his contributions to the State of Alabama, do hereby invite him to be a special guest of the Legislature for the joint session at 2:15 p.m. on July 29, 1969.

Approved August 12, 1969.

Time: 4:44 P.M.

Act No. 302

H.J.R. 95—Turnham

HOUSE JOINT RESOLUTION

WHEREAS Robert R. (Bob) Chesnutt, widely read farm writer and author of agricultural bulletins with the Auburn Extension Service, died recently while addressing an audience on the Auburn campus; and

WHEREAS Mr. Chesnutt, through his informational programs projected by his newspaper column, and his radio and television broadcasts, made an inestimable contribution to the development of agriculture in Alabama during the past 20 years; and

WHEREAS Mr. Chesnutt, a native of Montevallo and a graduate of Auburn, after a long and productive career in the field of agricultural information, was named chairman of the Extension Information Division at Auburn in 1965, and held this most responsible post until his tragic death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Robert A. (Bob) Chesnutt, and express our sympathy to his widow and two sons; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the sons and the widow of Robert R. Chesnutt.

Approved August 12, 1969.

Time: 4:45 P.M.

Act No. 303

H.J.R. 96—Turnham

HOUSE JOINT RESOLUTION

WHEREAS Mrs. Sara F. Blackerby, who is one of this State's most valued employees, plans to retire on September 30, 1969, after more than twenty-eight years of state service; and

WHEREAS Mrs. Blackerby was first employed by the State Department of Industrial Relations on August 20, 1941 and was transferred to the office of the Secretary of State on October 8, 1951 where she has served continuously and most effectively during five terms of Secretaries of State; and

WHEREAS Mrs. Blackerby's comprehensive knowledge of the work in that office to the most minute detail has been invaluable to each Secretary of State under whom she has served. Her services to the various county and state officers and employees who so frequently call upon her are always rendered with crisp efficiency and unlimited cheerfulness. Her dedication to her duties and her grasp of the workings of that office have smoothed the transition from one administration to each succeeding administration; and

WHEREAS despite Mrs. Blackerby's outstanding dedication, efficiency and good spirits, these fine attributes do not surpass her good looks, which are indeed notable; now therefore

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we shall not only greatly miss the excellent services of Mrs. Blackerby but we shall also miss her exuberant and gracious presence in the Capitol. We extend to her all best wishes for many, many happy years of retirement which she so richly deserves.

Approved August 12, 1969.

Time: 4:46 P.M.

Act No. 304

H.J.R. 97—Bank, Sessions, House

HOUSE JOINT RESOLUTION

Authorizing The Board of Trustees of the University of Alabama to designate the new administration building on the

Tuscaloosa campus of the University of Alabama as "Frank Anthony Rose Hall" and the new thirteen-story married student apartment building also under construction on the Tuscaloosa campus of the University of Alabama as "Tommye Stewart Rose Tower."

WHEREAS, Dr. and Mrs. Frank A. Rose will leave the University of Alabama on September 5, after a twelve-year tenure of devoted service to this great institution; and

WHEREAS, the administration of Frank A. Rose as President of the University has provided the University with its period of greatest growth and for which the citizens of Alabama will forever be indebted; and

WHEREAS, Tommye Stewart Rose has served as the University's First Lady during this period, gracing the President's Mansion with charm and dignity, and substantially contributing to the success of the Rose administration.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of Alabama, the Senate concurring, that The Board of Trustees of the University of Alabama is hereby authorized to designate the new administration building on the Tuscaloosa campus of the University of Alabama as "Frank Anthony Rose Hall" and the new thirteen-story married student apartment building also under construction on the Tuscaloosa campus of the University of Alabama as "Tommye Stewart Rose Tower" in honor of Dr. and Mrs. Rose.

Approved August 12, 1969.

Time: 4:47 P.M.

Act No. 305

H.J.R. 98—McElhaney

HOUSE JOINT RESOLUTION

WHEREAS, Clinton B. (Kiki) Smith is representing Alabama at Boys' Nation, and

WHEREAS, Clinton Smith served as Lieutenant Governor of Boys' State, and

WHEREAS, this young man is a resident of Montgomery and attends Sidney Lanier High School, and

WHEREAS, Clinton B. Smith has been chosen by his party as their presidential nominee, and

WHEREAS, the members of the Legislature wish to congratulate this young man for the recognition given to him and to Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Clinton B. Smith for his leadership and on being such a shining example of Alabama's youth.

Approved August 12, 1969.

Time: 4:48 P.M.

Act No. 306

H.J.R. 63—Brown, Culver, Bank, Robertson,
Weeks

HOUSE JOINT RESOLUTION

WHEREAS millions of Americans have died, and millions of others have been wounded and injured in the defense of freedom during the 193 year history of this nation and there are now more than three and one-half million widows and orphans of deceased veterans in the United States, and the number is increasing daily, and

WHEREAS there are now more than two and one-half million living disabled veterans who have suffered wounds and injuries during wartime service to their country, and the number is increasing daily, and

WHEREAS the organization of Disabled American Veterans which is chartered by the United States Congress is dedicated to the service of veterans and widows and orphans of those who have paid the ultimate price for freedom, and

WHEREAS said organization observes the week beginning May 24 as a time to reflect, to pray, and to pay respects to those who have given their lives in this nation's defense, and

WHEREAS the passing of time dims the memories of the great suffering and sacrifices endured by those who were wounded or died in the service of their nation in time of peril, and many Alabamians have served and died in our nation's wars, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize the aforementioned sacrifices and services by setting aside the week of May 24 through 30 of each year as NATIONAL MEMORIAL WEEK and urge the Governor to proclaim its observance in Alabama from this time forth.

Approved August 12, 1969.

Time: 4:49 P.M.

Act No. 307

H.J.R. 70—Berryman

HOUSE JOINT RESOLUTION

WHEREAS Pat W. Mysinger of Northport, Alabama, on June 29, 1969, while on duty with Company A, First Mechanized Battalion, 167th Infantry Regiment, Alabama National Guard, heroically went to the aid of a fellow guardsman who was burning as a result of a motor vehicle accident; extinguished the flames, and carried the victim to a safe place, and

WHEREAS Pat W. Mysinger suffered severe burns about the arms and hands as a result of this courageous act, and

WHEREAS Pat W. Mysinger received the Alabama Commendation Medal from the Honorable Albert P. Brewer, Governor of this state at the annual Governor's Day observance at Camp Shelby, Mississippi, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we gratefully extend our congratulations to Pat W. Mysinger for his dauntless and selfless actions in aid of his fellowman, and join with the Governor, the state, and the nation in commending him for his gallant behavior.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Mr. Mysinger, and to Major General Alfred C. Harrison, Adjutant General of Alabama.

Approved August 12, 1969.

Time: 4:50 P.M.

Act No. 308

H. 209—Hardin

AN ACT

To alter or rearrange the boundaries of the City of Greenville, Butler County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Greenville, Butler County, Alabama, be and the same are hereby altered and rearranged so as to include within the Corporate limits of said City all territory now within such corporate limits, and certain additional territory in Butler County, Alabama, contiguous thereto, so that all the territory which comprises the City of Greenville shall be as follows:

All of Section TEN; all of Section ELEVEN; the South half of Section TWELVE; all of Section THIRTEEN; all of Section FOURTEEN; all of Section FIFTEEN; the East Half of Section SIXTEEN; all of Section TWENTY-ONE; all of Section TWENTY-TWO; all of Section TWENTY-THREE; all of Section TWENTY-FOUR; all of Section TWENTY-FIVE; all of Section TWENTY-SIX; all of Section TWENTY-SEVEN; all in Township TEN North of the St. Stephens Base Line, Range FOURTEEN East of the St. Stephens Meridian, in Butler County, Alabama;

Also, all of Section EIGHTEEN; and the West Half of Section NINETEEN; all of Township TEN North of the St. Stephens Base Line, Range FIFTEEN East of the St. Stephens Meridian, in Butler County, Alabama.

Section 2. That all laws and parts of law, general, local or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. That this Act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 4:51 P.M.

Act No. 309

H. 244—Drake

AN ACT

To amend further Section 3 of Act No. 18, H. 6, First Special Session 1955 (Acts 1955, p. 45), creating the Cullman County Commission on Education and establishing the office of superintendent of county schools, so as to provide further for the qualifications of said superintendent; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 18, H. 6, First Special Session 1955 (Acts 1955, P. 45) creating the Cullman County Commission on Education and establishing the office of Superintendent of County Schools, is amended to read as follows:

"Section 3. A superintendent of county schools shall be elected by the qualified electors of Cullman County at the general election in November, 1958, and every four years thereafter. The superintendent of county schools shall take office on the first day of July next succeeding his election. No person shall be eligible for appointment, for political party nomination, or for election to the office of superintendent of county schools who does not hold a Masters degree or equivalent, and does not

submit proof to the State Superintendent of Education of at least six years of successful teaching experience preceding his appointment or election. His term of office shall be for four years, and he shall be removed only by impeachment in the manner prescribed by law. He shall receive an annual salary and the necessary expenses of traveling in the performance of his official duties. His salary shall be fixed by the Cullman County Commission on Education, at a sum of not less than Seventy Five Hundred Dollars per annum."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 4:52 P.M.

Act No. 310

H. 255—Crawford, Stembridge

AN ACT

Relating to counties having a population of not less than 15,000 nor more than 15,300 according to the most recent federal decennial census; to provide an additional expense allowance for the chairman or presiding judge and members of the governing body of any such county, payable out of county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 15,000 nor more than 15,300 according to the most recent federal decennial census, the chairman or presiding judge and each member of the board of revenue, court of county commissioners, or other like governing body of such county shall be allowed an expense allowance not to exceed \$100 per month as reimbursement for expenses incurred in the performance of his duty as a member of such governing body. The amount of such allowance shall be fixed by resolution of the governing body and shall be paid out of the general fund of the county or out of the county gasoline tax fund, or both, as prescribed by law. The allowance herein provided shall be in addition to any other salary, allowance, or other compensation provided by law to members of any such county governing body.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 4:53 P.M.

Act No. 311

H. 333—Smith, Hobbie, Culver, Laxson,
Bassett, Young, Collier, Brown,
Harris, Starnes

AN ACT

Authorizing the Commissioner of Agriculture and Industries, with the approval of the Board of Agriculture and Industries, to establish official grades and standards for the marketing of farm products, fish and seafoods, and to design brands, labels and trademarks in accordance therewith; providing conditions for the use of such brands, labels and trademarks, and prohibiting the misuses thereof; providing for public hearings and publication of certain notices; authorizing said Commissioner, with the approval of the Board of Agriculture and Industries, to establish rules and regulations to implement the purposes of this Act; and prescribing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Commissioner of Agriculture and Industries, with the approval of the Board of Agriculture and Industries, may prescribe rules and regulations for carrying out the purposes of this Act, including the fixing of fees which shall be reasonable and as nearly as may be to cover the cost of the service rendered.

Section 2. Said Commissioner, with the approval of the Board of Agriculture and Industries, may establish and promulgate official grades and standards for farm products, fish and seafoods, produced and processed within the state for the purpose of sale, and may from time to time amend or modify such grades and standards. Such official grades and standards may be promulgated so as to apply regardless of the stage of processing or of the form in which such farm products, fish and seafoods are sold. Before establishing, amending or modifying any such grades or standards, the said Commissioner shall hold public hearings in such places within the state as shall be most convenient to producers of the commodity under consideration. Notice of such hearings shall be advertised for three successive weeks prior thereto, in a newspaper or newspapers of general circulation within the county where the hearing is to be held, and shall specify the date and place of each hearing

and that it is to be held for the purpose of obtaining information with a view to establishing grades or standards for farm products, fish and seafoods. Provided, however, this Act shall not apply to salt water fish and seafoods.

Section 3. The Commissioner, with the approval of said Board, may determine or design brands, labels or trademarks for identifying farm products, fish or seafoods, packed and processed in accordance with such official grades and standards established as provided by law and may furnish information to packers and shippers as to where such labels and trademarks may be obtained. A written application to the said Commissioner requesting permission to use said brands, labels or trademarks, and a written acceptance thereto by the said Commissioner or his duly authorized assistants, shall be a condition precedent to the use of such brands, labels or trademarks. The said Commissioner, with the approval of said Board, may revoke or suspend the right to use such brands, labels or trademarks whenever it appears on investigation that they have been used to identify farm products, fish and seafoods not in fact conforming to the grade indicated.

Section 4. Upon the establishment of the grades or standards, brands, labels or trademarks, the Commissioner shall give due publicity through the newspapers of the state, setting forth the grade or grades so established and the date on which such establishment is to become effective, and distribute information explaining the same and their use.

Section 5. After notice of the establishment of grades or standards and the determination of brands, labels and trademarks, it shall be unlawful to use a brand, label or trademark to identify farm products, fish and seafoods as being of a grade established before a permit is granted or after the revocation of the right to use such brand, label or trademark by the Commissioner, with the approval of said Board. Violations of this section shall be punishable for the first offense by a fine of not more than \$50.00 and for subsequent offenses by a fine of not more than \$200.00.

Section 6. The Commissioner or his duly authorized agents may inspect farm products, fish and seafoods marked, branded or labeled in accordance with official grades or standards established and promulgated by the said Commissioner with the approval of the said Board for the purpose of determining and certifying the quality and condition thereof and other material facts relative thereto. Certificates issued in pursuance of such inspection and executed by the inspector shall state the date and place of inspection, the grade, condition and approximate quality of the farm products, fish and seafoods in-

spected and such other pertinent facts as the said Commissioner, with the approval of the said Board, may require. Such a certificate relative to the condition or quality of said farm products, fish and seafoods shall be prima facie evidence in all courts of the State of the facts required to be stated therein.

Section 7. The Commissioner, in person or by deputy, shall have free access at all reasonable hours to any building or other place wherein it is reasonably believed that farm products, fish and seafoods are marked, branded or labeled in accordance with official grades established and promulgated by the said Commissioner with the approval of the said Board, or are being marketed or held for commercial purposes. He shall have power in person or by deputy to open any bags, crates or other containers containing said farm products, fish and seafoods and examine the contents thereof and may, upon tendering the market price, take samples therefrom. Whoever obstructs or hinders the said Commissioner or any of his duly qualified assistants in the performance of his duties under this Act shall be punished by a fine of not less than \$10.00 nor more than \$100.00.

Section 8. All fees and charges collected under this Act shall be deposited with the State Treasurer to the credit of the Department of Agriculture and Industries.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act is cumulative, and is not intended to replace any similar laws presently in effect; provided, however, all laws or parts of laws which conflict with this Act are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 4:54 P.M.

Act No. 312

H. 392—Neville

AN ACT

To amend Act No. 668, H. 918, Regular Session 1967 (Acts, Regular Session 1967, p. 1493), which provides additional compensation for the official court reporter of the third judicial circuit, in order to delete a provision thereof which provides for the expiration of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 668, H. 918, Regular Session 1967 (Acts, Regular Session 1967, p. 1493), is hereby amended to read as follows:

“Section 2. This Act shall take effect immediately upon its enactment.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 4:55 P.M.

Act No. 313

H. 442—Young

AN ACT

Relating to counties having a population of not less than 10,800 nor more than 12,000 according to the last and any succeeding Federal Decennial Census, providing for the compensation and allowances of members of the county governing body; and to validate actual expenses heretofore paid in performance of their duties outside the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Court of County Commissioners, Board of Revenue or like governing body of counties having a population of not less than 10,800 nor more than 12,000 according to the last and any succeeding Federal Decennial Census, in addition to their present salary, shall be paid their actual expenses incurred in the performance of their duties outside the county. Such incurred expenses shall be paid out of any funds in the county treasury available for such payments according to law.

Section 2. Actual expenses paid for cost incurred outside the county on business for the county prior to the passage of this Act and subsequent to July 31, 1967, are hereby validated and approved.

Section 3. All laws or parts of laws in conflict with this Act are repealed, and Act No. 68, H. 92, First Special Session 1956 (Acts 1956, p. 101), as amended, is specifically repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 4:56 P.M.

AN ACT

Relating to public contracts; providing that a public officer shall not designate the insurance company, agent or broker for insurance in public building or construction contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. No officer or employee of this state, or any public corporation, or of any public agency or authority, and no person acting, or purporting to act on behalf of such officer, employee, or public agency or authority, except a public agency or authority created pursuant to agreement or compact with another state, shall, with respect to any public building or construction contract, require the bidder to obtain or procure any surety bond or contract of insurance specified in connection with such contract, or specified by any law, ordinance, or regulation, from a particular surety or insurance company, agent, or broker. No officer or employee, or person, firm, or corporation acting or purporting to act, on behalf of any officer or employee of this state, public corporation, or public agency or authority, shall negotiate, make application, obtain, or procure any surety bond or contract of insurance (except contracts of insurance for builder's risk or owner's protective liability) which can be obtained or procured by the bidder, contractor, or subcontractor.

Section 2. The preceding section shall not prevent the exercise by an officer or employee on behalf of the state, public agency, political subdivision, or public authority, from exercising the right to approve the form, sufficiency, or manner of execution of the surety bonds or contracts of insurance furnished by the surety or insurance company selected by the bidder to underwrite bonds or contracts of insurance. The insurance company, bonding company, or surety company shall meet all requirements for such companies otherwise provided for by law.

Section 3. All provisions in any invitation for bids, or in any of the contract documents, in conflict with this Act are hereby declared to be void and unenforceable as contrary to the public policy of this state.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 4:57 P.M.

Act No. 315

H. 465—Coof (Jeff.), Dill, Sessions,
Yeilding, Cherner, Gloor,
Adwell, Jackson (T), Hol-
man, Kilgore, Money, Bow-
ers, Weeks, Gafford, Wat-
kins, House, Waggoner,
Ellis

AN ACT

To authorize any public building corporation heretofore or hereafter organized pursuant to the provisions of Act No. 682 enacted at the 1951 Regular Session of the Legislature of Alabama, as heretofore or hereafter amended, in any county having a population of 600,000 or more according to the last or any subsequent federal decennial census, to enter into a contract or lease agreement with the county which authorized the organization of such public corporation and any municipality therein, whereunder the obligations of each may be joint or several, or with such county or any such municipality separately, or with any department or agency of either, or with the State of Alabama, or any department or agency thereof, for a maximum period of 20 years.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to public building corporations heretofore or hereafter organized pursuant to the provisions of Act No. 682 enacted at the 1951 Regular Session of the Legislature of Alabama, as heretofore or hereafter amended, in a county having a population of 600,000 or more according to the last or any subsequent federal decennial census.

Section 2. Any such public corporation is authorized to enter into a contract or lease agreement with the county which authorized the organization of such public corporation and with any municipality therein, whereunder the obligations of each may be joint or several, or with such county or any such municipality separately, or with any department or agency of either, or with the State of Alabama or any department or agency thereof.

Section 3. Notwithstanding any other provisions of law, the term of any such contract or lease agreement may be for any period of time up to a maximum of twenty (20) years from its date, and the rental and other obligations payable thereunder may be paid at the times and by the parties specified in such contract or lease agreement.

Section 4. The provisions of this Act shall be cumulative and shall be in addition to all other powers now or hereafter granted to any such public building corporations.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 4:58 P.M.

Act No. 316

H. 467—Yeilding, Bowers, Holman,
Ellis, Weeks, Gloor, Sessions,
Meeks, Waggoner, Kilgore,
Cherner, House

AN ACT

To provide a comprehensive system of law applicable to any county in this state having a population of 500,000 or more according to the last or any subsequent federal census, defining the powers of any such county to construct improvements consisting of sanitary sewers and sewer facilities with respect to subdivisions located outside the corporate limits of any municipality in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide for supervision of the work; to provide for the levy of betterment taxes and assessments on the property benefited by any improvement; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for any defects or errors therein; to provide for a hearing on the proposed assessments and making the same final; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide a system for appeals from the making of such final assessment; to provide a system for payment of all such assessments and for default in such payments; to authorize lands subject to such liens to be sold in satisfaction thereof and a system for the redemption of such lands after any such sale; to establish a procedure for the termination of any right of redemption; to provide a system for the issuance of notes or bonds to finance any such improvements; to exempt any securities issued hereunder from Chapter 6 of Title 12 of the Code of Alabama of 1940, as heretofore or hereafter amended; to specify requirements with respect to any such notes or bonds; to require public sale thereof with certain exceptions; to provide for the refunding thereof under specified circumstances; to provide that any such bond shall be incontestable after a specified period; to provide that all such bonds and notes and the interest thereon shall be exempt from taxation; to provide for the replacement of lost, destroyed or mutilated bonds and for the refunding of outstanding bonds; to establish sinking fund accounts for the payment of bonds and for the grouping of improvements for a single bond issue; to specify the use of funds received from the said assessments and to establish liability on official bonds for the handling of such funds; to provide for a refund of excess collections in certain circumstances; to grant to any such county the right of eminent domain with respect to improvements; to provide for the effect

of annexation or incorporation of an area in which assessments have been made; to provide for the severability of the provisions of this act and for the repeal of inconsistent laws; and to establish the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Application of act. This act shall apply to any county in this state having a population of 500,000 or more according to the last or any subsequent federal census.

Section 2. Definitions. The following words and phrases shall have the following meanings wherever used in this act except where the context clearly indicates a different meaning:

“*Clerk*” means the chief clerk of the governing body or any other person holding an office with similar duties.

“*County*” means any county in this state subject to this act.

“*Governing body*” means the County Commission, Board of Revenue, or other like governing body of a county.

“*Improvement*” means any sanitary sewage treatment or sewage disposal plant, or any sanitary sewer, including mains, laterals, trunk lines, collector lines, outfall lines, force mains, and appurtenant facilities.

“*Subdivision*” means a subdivision surveyed, platted, approved and recorded pursuant to Title 56 of the Code of Alabama of 1940, as heretofore or hereafter amended, located in a county and outside the corporate limits of any incorporated municipality therein.

Section 3. Powers of Counties. Any county may design, or cause to be designed, contract for, and execute, or cause to be executed, with respect to any subdivision, the construction or reconstruction of any improvement. Each county may cause the cost and expense of all or any part of any such improvement to be assessed against the property abutting on, or drained, served, or benefited by, such improvement, to the extent of the increased value of the said property by reason of the special benefits derived from the said improvement.

Section 4. Resolution describing improvement desired, and ordering the drawing of plans and specifications. When the governing body of a county shall determine to make any improvement or undertake any work authorized by the provisions of this act with respect to any subdivision, the cost of which, or any part thereof, it is proposed to assess against the property abutting on, or drained, served, or otherwise specially benefited or increased in value by the said improvement, it shall adopt a

resolution to that effect, describing the subdivision or portion thereof to be drained, served, or benefited by such improvement and define the same by naming the streets, avenues, alleys, or other lines by which the same is bounded, or shall describe the frontage of the property abutting on, or drained, served, or benefited by such improvement. The said resolution shall also describe the nature and extent of the work, and the general character of the materials to be used, and shall direct that full details, drawings, plans, specifications, and surveys of the said work and estimates be prepared by the county engineer, or such other person as may be designated in such resolution, or the governing body may in such resolution adopt plans for such work already prepared. Such resolution may set out and describe certain alternative types of materials and the governing body may require advertisements for proposals on the various types enumerated and the final selection by the governing body of the type or types of the said materials from among the alternatives, so enumerated, shall, in that event, be postponed until the bids shall have been received.

Section 5. Drawings, plans, specifications filed to await objection or remonstrances thereto. Such details, drawings, plans, specifications, surveys, and estimates shall, when completed, be placed on file not later than two weeks prior to the date of the meeting hereinafter provided for in the office of the county engineer or other officer designated in such resolution, where property owners who may be affected by such improvement may see and examine the same, and the said resolution shall appoint a time when the governing body will meet, which shall be not less than two weeks after the date of the first publication of the said resolution, to hear any objections or remonstrances that may be made to the said improvement, the manner of making the same, or the character of the material or materials to be used.

Section 6. Publication of resolution. The said resolution must be published once a week for two consecutive weeks in some newspaper published in the county and having general circulation therein. A copy of the said resolution shall also be sent, by registered or certified mail, postage prepaid, to the persons last assessing for county taxation the property which may be assessed for the said improvement, at their last known addresses, the said notices to be so mailed not less than ten days before the meeting of the governing body provided for in the next succeeding section. The failure of any official charged with the duty of sending such notice, or the failure of any owner of property to receive such notice, if sent by registered or certified mail as hereinabove provided, shall not invalidate or in any-

wise affect any assessment made under the provisions of this act.

Section 7. Result and effect of hearing of objections or protests. At the said meeting, or at a place and time to which the same may be adjourned, all persons whose property may be affected by the proposed improvement may appear in person or by attorney, or by petition, and object or protest against the said improvement, the materials to be used, or the alternative types of materials or any of them from which selection is later to be made, if any, and the manner of making the same, and the governing body shall consider such objections and protests, and may confirm, amend, modify, or rescind the original resolution. But if objection to the proposed improvement be made by a majority in frontage of the property owners to be affected thereby, when the proposed improvement is to be assessed against the property fronting or abutting any street, avenue, or alley, or by a majority in area of the property owners when the proposed improvement is to be assessed against the property within a defined area, the improvement shall not take place, unless ordered by a two-thirds vote of those elected to the governing body.

Section 8. How cost of proposed improvement paid. The governing body may pay out of the general funds of the county, or any special fund that may be provided for the purpose, such portion of the cost of the proposed improvement as it may deem proper. The cost of any improvement shall include the expense of the preliminary and other surveys, the inspection and superintendence of the work, the preparation, publication, and mailing of the notices and resolutions required by this act, the cost of construction, the printing of bonds, the interest on money borrowed during construction or on bonds when bonds have been issued in anticipation of the collection of assessments, the preparation of proceedings authorizing the issuance of notes or bonds under the provisions of this act and the rendition of the approving opinions with respect thereto, and any other expenses necessary for the completion of such improvement.

Section 9. Notice, advertisement and letting of contract for public work. If the governing body shall finally order the making of the proposed improvement, notice shall be given asking for bids for such work, which notice shall describe in a general way the character and approximate quantities of such work and the types of materials, including alternates, if any, to be employed, and shall be published once a week for two consecutive weeks in a newspaper published in the county and having general circulation therein. The date for receiving bids as set out in the said notice shall be not earlier than two weeks

after the date of first publication thereof. The governing body must let the contract to the lowest responsible bidder; provided that if the lowest responsible bidder has not bid a satisfactory price, the governing body may reject all bids and re-advertise for bids in the same manner as hereinabove provided. The governing body may, by order, impose further conditions upon bidders with regard to bonds and surety for the faithful completion of such work, according to contract, or for any other purpose mentioned in the specifications. Surety bond for the faithful completion of the said work shall be required, where same or any part thereof is let out by contract, in an amount not less than fifty per cent of the estimated total of each contract. Notwithstanding the foregoing provisions of this section, the county may elect (a) to construct the improvement or furnish labor or material, or both, for the same without asking for bids, or (b) to contract with the state of Alabama or any of its departments or agencies for construction of the improvement or the furnishing of labor, materials and services, or any thereof, for all or part of the improvement; and in the event that the county makes any such election, then the provisions of this section requiring the county to ask for bids from contractors and to publish a notice with respect thereto shall not be applicable to any work of construction to be performed by the county or to any labor and material, or either, to be furnished by the county or to any work of construction, labor, materials, or services that are to be supplied by the state pursuant to any contract between the county and the state or any of its departments or agencies.

Section 10. County engineer supervises work. All work done or improvements made under the provisions of this act shall be done under the supervision of the county engineer or other superintendent appointed for that purpose by the governing body; provided, that the county engineer or other superintendent so appointed shall not be related by blood or by marriage to any contractor to whom work is awarded under the terms of the preceding section, or, if the said contractor is a corporation, to any stockholder thereof; the said county engineer or other superintendent so appointed shall not be interested in or have any share in the proceeds of any construction contract, or any contract for the sale of materials to be employed in the said work, nor a stockholder in the company selling the said materials; nor shall the said engineer or other superintendent so appointed be employed, directly or indirectly, by any parties having an interest in the proceeds of any such construction or sale of contract.

Section 11. Accepting or rejecting work under contract. In case of any controversy or dispute, the governing body shall

be invested with sole and exclusive power to determine whether any improvement has been completed in accordance with the terms of the contract therefor, and to accept or reject such work on the part of the county.

Section 12. Power to levy betterment taxes and assessments on abutting or benefited property for costs of improvement. If any such improvement be finally ordered and constructed, the governing body shall have power and authority, after the completion and acceptance thereof, to assess the cost of constructing the said improvement, or any part thereof, upon or against the property abutting on any street, avenue, alley, highway or other public place so served, or drained, or against the property drained, served, or benefited by such improvement, to the extent of the increased value of such property by reason of the special benefits derived from such improvement. A county shall have the power to assess for the cost of improvements any lot or lots, parcel or parcels of land purchased by the state of Alabama at any sale for the nonpayment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land a subsequent redemption thereof by any person authorized to redeem or sale thereof by the state shall not operate to discharge, or in any manner affect the lien of such county for such assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to such assessment.

Section 13. Mode of levying and collecting such taxes or assessments. The cost of any part of such improvement may be assessed in fair proportion against the frontage of the property drained by the said improvement, or against all the lots or parcels of land lying within the area drained, served, or benefited, but the assessment shall not exceed the increased value of such property by reason of the special benefits derived from the improvement.

Section 14. Roll or list of owners, lots or parcels of property assessed against. When any improvement is completed, the chairman or other chief executive officer of the governing body shall cause to be prepared a roll or list showing the names of the property owners, and opposite each name a description of each lot or parcel of land proposed to be assessed for such improvement, belonging to such owner or owners, and the amount proposed to be assessed against each lot or parcel of land.

Section 15. Assessment book for improvements prepared and kept. Such list shall be entered in a well bound book or loose leaf book firmly bound, prepared for that purpose, and shall

contain appropriate columns in which payments may be credited, and the lien of the assessment satisfied by the proper officers of the county. The said book shall be known as the "Assessment Book of Improvements", and shall be a public record, and no error or mistake in regard to the name of the owner shall be held to invalidate any assessment, and it shall be sufficient if the name of the person in whose name such property was last assessed for taxes for state taxation is shown in the said book.

Section 16. Notice of publication as to assessment books. After the completion of the proper entries of each improvement, the said book shall be delivered to the clerk, who shall thereupon give notice by publication one time in some newspaper published in the county and of general circulation therein, that the said assessment roll or list has been delivered to him, and is open for inspection in the office of the person authorized to make collection of the said assessments, whose title and address shall be listed. The notice shall also state the general character of the improvement, the terminal points thereof, and the streets, avenues, alleys, or other highways or portions thereof along which the improvement has been constructed, and shall also describe the frontage of the property drained by the said improvement, or the territory or area drained, served, or benefited by the said improvement, by naming the streets, avenues, alleys, or other highways, or other lines by which said area is bounded.

Section 17. Effect of defects or errors in notices. If there be any defect in the said notice or proceedings, before or subsequent to the said notice, with respect to one or more interested persons, the same shall not affect such notice or proceedings except insofar as it may touch the interest or property of such person or persons, and shall not avail any other person concerned therein. In case of such defect, supplementary proceedings of the same general character as those hereinabove prescribed may be had in order to supply such defect.

Section 18. Hearing of objections to assessments. At a time and place mentioned in the said published notice, not less than twenty days from the date of publication, the governing body shall meet to hear and determine any objections or defenses that may be filed to such assessments or the amount thereof.

Section 19. Filing of written objections or defenses to assessments. The owner or owners of any real estate or any interest therein, which it is proposed to assess for the cost, or any part thereof, of the said improvement, may appear at any time on or before the date named in the said notice, or at the said meeting, and file in writing with the clerk or in his office any objections or defenses to the proposed assessment against

the said property, or to the amount thereof, and persons who do not file objections or protests in writing against such assessment shall be held to have consented to the same.

Section 20. Hearing of objections and protests against assessments. The governing body shall hear and pass upon all such objections to and protests against the proposed assessments, under such reasonable rules and regulations as they may adopt.

Section 21. Subpoena of witnesses for examination on hearing. The governing body, by the clerk or its executive officer, may issue subpoenas for witnesses to appear before the governing body or any committee thereof, and may administer oaths to any witness to be examined.

Section 22. Fixing amount of assessment constitutes lien; superiority of such lien. At such meeting of any adjourned meeting the governing body shall proceed by order or resolution to fix the amount of the assessment against each lot or tract or land described and included in the said assessment roll, and all such assessments, from the date of such order or resolution, shall be and constitute a lien on the respective lots or parcels of land upon which they are levied superior to all other liens, except those of the state and county for taxes. The governing body shall have no power to reduce or abate an assessment made for an improvement after such assessment shall have been made final, unless an appeal shall have been taken from such assessment within the time prescribed by law, except as provided in the next succeeding section, but this provision shall not affect the power of such governing body to split an assessment between two or more parties as provided by law.

Section 23. County may reduce or abate certain assessments. The governing body shall have the power to reduce or abate any assessment made for improvements in such county in cases where such assessment has been levied or attempted to be levied against property owned by the state of Alabama or by such county or owned by any church, hospital or other charitable organization, or in any case where the chief executive officer of the governing body, after due inquiry, has determined that such assessment has been made erroneously or in excess of the benefits derived by such property, or is so great as to constitute an undue burden on such property, having in view the value thereof, whether or not such assessment shall have been made final and the time to appeal therefrom expired.

Section 24. Transfer and assignment of liens. A county may transfer and assign such liens to the contractor or contractors who made the said improvement or improvements, or to any other person.

Section 25. Circuit court may enforce liens. In addition to the method hereinafter provided for the collection of such assessments, the circuit court may enforce the said liens, and in all suits which may be brought to enforce the said liens, either by the county or by its assigns, the complainant shall recover the amount of such assessment, with interest thereon, together with the cost of such proceedings.

Section 26. Assessment liens to continue until satisfied in full. The enforcement by the state, county, city or town of its lien for taxes on any lot upon which has been levied an assessment for any improvement shall not operate to discharge or in any manner affect the lien of the county for the assessment, but any purchaser at any tax sale by the state, county, city or town of any lots or parcels of land upon which an assessment has been levied shall take them subject to such assessment. All liens for improvements shall continue until they are paid or extinguished, or until the expiration of twenty years from the date of default in payment of the assessment or from the date when there was a due recognition of the indebtedness after default, after which time the enforcement of the lien shall be barred and the indebtedness conclusively presumed to have been paid.

Section 27. Effect of several assessment liens on same property. The enforcement by a county of its lien for an assessment levied for one improvement by the sale of property shall not operate to discharge or in any way affect the lien of any other assessment for a different improvement on the same property, but the purchaser at such sale shall take the property subject to the lien of all other assessments, and the right of the county to enforce the same.

Section 28. Appeal from assessments. Any person aggrieved by the decision in making any assessment may, within twenty days thereafter, appeal to the circuit court, or any other court of like jurisdiction, upon executing a bond in double the amount of the probable cost of the appeal.

Section 29. Condition and effect of appeal bonds. The amount of such bond shall be fixed and the sureties thereon shall be approved by the chief executive officer of the governing body, and the said bond shall be conditioned to prosecute the said appeal to effect and pay the county any judgment that the circuit court or other court may render, and all damages that any person may suffer by such appeal.

Section 30. Appeal as preferred case. The said appeal shall be docketed in the said court, and shall be a preferred case therein.

Section 31. Contents of transcript for appeal. Upon the filing and the approval of the appeal bond, the clerk, upon notice thereof, shall immediately send to the clerk of the circuit court, or other court to which the appeal may be taken, a transcript of all the proceedings of the county relating to such assessment, so far as the same concerns the property of the appellant. Such transcript shall contain a description of the property of such party or parties, which shall be described as accurately as possible according to the map of the county in common use, if there be such map, the name of the owner or owners of such property, and the amount of the assessment.

Section 32. Transcript as prima facie evidence. Upon hearing such appeal, the introduction of such transcript and papers shall be prima facie evidence of the correctness of such assessment, and that the said property and persons are justly indebted to the county for the amount of the said assessment.

Section 33. Cause may be tried on the record; judgments rendered. The said cause may be tried on the record without other pleadings and the court shall hear all objections of the property owners to the said assessment and the amount thereof; and shall determine whether or not such assessment exceeds the increased value of such property by reason of the special benefits derived from the improvement, and shall render judgment accordingly. Such cause shall be tried by the judge without a jury, unless a jury trial is demanded at the time of filing appeal, in which event the cause shall be tried by a jury as provided in common law cases. In event the court or jury shall not sustain the assessment for the full amount, the costs of appeal and trial in circuit court shall be adjudged against the county.

Section 34. Judgment rendered on appeal for amount of property chargeable. If on the hearing of such appeal, it shall appear that by reason of any technical irregularity or defect in the proceedings, the assessment has not been properly made against the lot or parcel of land sought to be charged, the court may, nevertheless, on application of the county, upon satisfactory proof that expense has been incurred which is a proper charge against the lot or land in question, render judgment for the amount properly chargeable against the said lot or land; but in such case the court shall make such order for the payment of the costs as it may deem proper.

Section 35. Appeal to supreme court by property owner provided for; appeal bond in such cases. An appeal may be taken to the supreme court of Alabama by any person interested in the said property from the decree rendered by the said court within thirty days from the date of such judgment, upon giving

bond for costs of appeal, or if supersedeas be desired, upon giving further bond in such sum as the judge of the said court may prescribe, payable to the county with sufficient sureties, to be approved by the clerk of the said court, conditioned to pay such judgment or perform such judgment as the supreme court may render in the premises, and all such costs and damages as the county may have sustained if the judgment is affirmed.

Section 36. Appeal to supreme court heard on record. Such appeal shall be heard upon the record and bill of exceptions reserved by the party taking such appeal, setting out such of the evidence as may be necessary to a fair presentation of the case.

Section 37. Judgment on affirmance. In the event a supersedeas bond has been given and the said case is affirmed by the supreme court, it shall add to the judgment rendered by the lower court interest thereon and ten per cent damages for delay.

Section 38. Appeal by county to supreme court. The county may also appeal from any decree of the said circuit court, or other court, without giving bond; and all appeals taken pursuant to this act shall be preferred cases in the supreme court.

Section 39. Execution of judgment and sale. In the event the final judgment is rendered in favor of the county, execution may be issued thereon against the principal and sureties on the appeal bond, unless the amount of the judgment and decree is paid within thirty days from the date of such judgment, and the court shall, by further order, decree that the property assessed be sold to satisfy such judgment. Nothing contained in this act shall operate to release or discharge the lien on such property, unless the assessment is fully paid.

Section 40. How and when payment of assessment made. The county, in ordering any improvement the cost of which, or any part thereof, is to be assessed against any property in accordance with the provisions of this act, may provide that the same shall be paid in cash within thirty days after the final assessment, provided the cost of such improvement does not exceed one thousand dollars. If the total cost of the said improvement is greater than such sum, any property owner may, at his election, to be expressed by notifying the county official charged with the duty of collecting such assessments in writing within thirty days after the assessment is made final, pay the said assessment in ten equal installments, which shall bear interest at not exceeding six per cent per annum, payable

annually; provided, however, that if the assessment against any lot or parcel of land does not exceed twenty-five dollars, the said assessment must be paid in cash within thirty days after the assessment is made final as above provided. Any person may pay the whole assessment against any lot or parcel of land within thirty days from the time the assessment is made, and may at any installment period pay the assessment in full by paying the full amount of the installments, together with all accrued interest thereon. Should the property owner desire to pay off the deferred installments between the dates on which they are due, he shall pay interest on the same until the succeeding installment period. The first installment shall be payable within thirty days after the assessment is made final, and all assessments or installments thereof shall be payable at the office of the clerk, tax collector, or treasurer of the county, as may be prescribed, and all assessments or installments thereof shall bear interest at not exceeding six per cent per annum after the expiration of thirty days from the date on which the same is made final, which interest shall be due and payable at the time and place the assessment or installment is due and payable. In all cases where the property owner does not elect to pay installments, or having elected to pay in installments, fails to pay the first installment in thirty days from the date of assessment, he shall be held to have waived the right to pay in installments, and the entire assessment shall at the expiration of the said thirty days become due and payable.

Section 41. Acceleration upon failure to pay as installment matures. If the property owner who has not elected to pay installments fails to pay his assessment within thirty days, or having elected to pay in installments, fails to pay the first installment in thirty days from the date of the assessment, or makes default in the payment of any annual installment or the interest thereon, the whole of such assessment shall immediately become due and payable, and the officer designated by the county to collect such assessments shall proceed to sell the property against which the assessment is made to the highest bidder for cash; but he shall first give notice by publication once a week for three consecutive weeks in some newspaper published in the county and of general circulation therein, of the date and time of such sale, and the purpose for which the same is made, together with a description of the property to be sold. If the said officer shall fail to advertise and sell any property on which the said payments or installments are past due, any taxpayer of the county or any holder of bonds of the series affected by the said failure, shall have the right to apply for a writ of mandamus requiring the said official to take such action to any court of competent jurisdiction and the said court shall, on proof, issue and enforce such writ.

Section 42. Payment of assessment made at any time before sale. Any property owner, notwithstanding his default, may pay the assessment, with interest and all costs, if tendered before a sale of the property.

Section 43. Cost of sale charged against land. The cost of such advertisement and sale shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale.

Section 44. Deed to purchaser at sale. The officer making such sale shall execute a deed to the purchaser, which shall convey all the right, title, and interest which the party against whose property the assessment was made, had or held in the said property at the date of making such assessment, or on the date of making such sale. Any surplus arising from the said sale shall be paid to the county treasurer, to be kept as a separate fund by the treasurer for the owner upon the responsibility of his official bond. The governing body may, by its agents, purchase real estate sold as provided under this act, and in the event of such purchase, the deed for the same shall be made to the county.

Section 45. Redemption of property after sale. Any real property sold for the satisfaction of an assessment lien imposed thereon by the governing body may be redeemed by the former owner, or his assigns, or other person authorized to redeem property sold for taxes by the state of Alabama, within two years from the date of such sale, by paying to the purchaser at such sale or to any person deraigning title under such purchaser, or to the county treasurer for such purchaser or person deraigning title under such purchaser, the amount of the purchase price for which the property was sold at such sale plus an amount equal to interest on such purchase price from the date of such sale to the date of redemption at the rate of six per centum per annum plus a fee of two dollars to cover the expense of a conveyance. If the redemption is made from the county, the payment may be made upon such terms, including installment payments, as the governing body may approve.

Section 46. Extension of redemption period. The fixed two-year period of redemption allowed by the preceding section for the redemption of any property sold for the satisfaction of any such lien shall be extended to a date sixty days after the date of certificate of warning to redeem hereinafter provided for, but in no event for a longer period than six years from the date of such sale.

Section 47. Warning of redemption. At any time after an improvement assessment sale deed has been recorded in the

office of the probate judge of the county, and after expiration of the fixed two-year period of redemption allowed by section 45 of this act, any person may apply to such probate judge for entry in the record of deeds of a certificate of warning to redeem in substantially the following form: "I hereby certify that on or prior to the date of this certificate I mailed a compared copy of the deed recorded in Deed Book at Page, together with notice that the same is there recorded, and a warning to redeem, to each of the one or more persons other than the grantee in said deed, to whom the property therein described was last finally assessed for ad valorem taxation, at the address of each such person as shown by said ad valorem tax assessment records. This day of, 19....,, Probate Judge."

Section 48. Proceeding of warning. At the time of application for entry of such certificate of warning to redeem, the applicant shall deliver to the probate judge three correct copies of the said deed with a notation thereon of the deed book and page where recorded, and shall pay to the said probate judge a fee of one dollar. The said copies of the deed need not include any certificate of acknowledgment. It shall thereupon be the duty of the said probate judge to promptly compare the said copies with the record of such deed and, if such copies be found to be correct copies of such record, it shall be the further duty of such probate judge to ascertain from the ad valorem tax assessment records of his county the name of the person or persons other than the grantee in the said deed, to whom the property described in the said deed was last finally assessed for ad valorem taxation, together with the address of each such person as shown by the said tax assessment records, and thereupon to promptly mail to each such person at such address one of the aforesaid compared copies of said deed, together with an attached warning to redeem in substantially the following form: "Take notice that there is recorded in my office in Deed Book at page a deed of which the attached is a correct copy. You are warned that unless you, or those claiming under you, take prompt steps to redeem from those claiming under the said deed, all rights of redemption may be lost. This day of, 19....,, Probate Judge, County, Alabama." Promptly upon, or after, mailing such notice or notices and compared copy or copies of deed, it shall be the duty of the said probate judge to enter upon the record of deeds a certificate of warning substantially as prescribed by the preceding section hereof and to sign such certificate and to date the same evenly with the date of entry. At the expiration of sixty days after the date of such certificate all rights to redeem from the sale shown by such deed shall cease and determine.

Section 49. Duties of probate judge. The duties herein imposed upon the probate judge may be performed in his name and stead by any person or persons thereunto authorized by him. The faithful performance of such duties may be compelled by mandamus, but the probate judge shall not be liable in damages for any error or mistake in the performance of such duties committed in good faith.

Section 50. Redemption in equity. Redemption may be effected after expiration of the fixed two-year period of redemption allowed or provided by section 45 of this act, and before the extended period of redemption has expired, in the same manner and at the same redemption price as is provided in the said section 45; provided that if the probate judge has made the certificate of warning to redeem as hereinabove provided, the said redemption price shall be increased by one dollar; and provided, further, that if the grantee in the aforesaid deed, or any person deraigning any title or right under him, shall have placed any improvements upon the said property after expiration of the fixed two-year period of redemption allowed or provided by the said section 45, then redemption must be effected by bill in equity and the redemption price shall be increased by the value of such improvements, to be ascertained in such cause in equity.

Section 51. Effect of mistakes or errors in sale. No mistake in the publication provided for in section 41 of this act in the description of the property, or in the name of the owner, shall vitiate the assessment or the lien, and if, for any reason, the sale made by the county be ineffectual to pass title, it shall operate as an assignment of the lien, and upon the request of the purchaser, supplementary proceedings of the same general character as herein required may be had to correct the errors in the said proceedings for his benefit, or the lien so assigned to him may be enforced in equity.

Section 52. Power to borrow money for improvements. For the purpose of providing funds to pay the cost of any improvement made under the provisions of this act, the cost of which, in whole or in part, is proposed to be assessed against the property drained, served and benefited by the improvements being provided, the governing body may borrow money temporarily on the faith and credit of the county, executing its negotiable note therefor, which note may not run longer than a period of one year, or issue bonds. Such temporary loan or issue of bonds may be made before the contract is let for the improvements, or during the progress of the work, in installments as the work progresses, and the making of one loan or the issue of one series of bonds shall not exhaust the power of the county to provide sufficient funds for the completion of the improve-

ment. The county may pledge as security for such loan, whether evidenced by notes or bonds, the proceeds of the assessments made or to be made against the property benefited by the improvement, and may transfer and assign for the benefit of the holder of the said note or bond the lien of the county thereon, with power to enforce the same, either at law or in equity; but if notes or bonds shall be issued before the completion of the work, they shall not be issued in excess of the cost of the improvement as estimated at the time of the issue of the said notes or bonds. If money is borrowed and notes or bonds issued after the work is completed, such notes or bonds shall not exceed in the aggregate the total cost of the improvement. No irregularity or technical defect in the proceedings relating to the making of the improvement shall in any way affect the power of the county to borrow money for the completion of the improvement.

Section 53. Issue of bonds after completion of work. If bonds have not been issued during the progress of the work as authorized by section 52 of this act, the county may, after the completion of the work, sell and issue bonds not exceeding an amount sufficient to pay the then outstanding principal of and interest on any temporary loans made pursuant to the provisions of the said section 52 to finance all or part of the improvement, plus such portion of the cost of the improvement, computed in accordance with section 8 of this act, as has not been financed by any such temporary loan then outstanding and unpaid. In determining the amount of bonds so to be issued, the governing body shall take into consideration, to the extent practicable, the amount which at the time of the authorization of the sale of such bonds has been paid by the property owners toward the cost of improvement.

Section 54. Provisions respecting notes and bonds. Any notes or bonds issued under this act may be secured by a pledge of the full faith and credit of the county. They may be made payable at such place or places within or without the state of Alabama as the governing body may designate. Any such bonds shall be payable in annual installments beginning one year and ending ten years from their date, the amount of no annual installment to exceed the amount of any other annual installment by more than \$5,000. Such bonds may either be sold as hereinafter provided or may be delivered at not less than par plus accrued interest to the contractor in payment or part payment for the work of the improvements. The bonds may be issued either in registered or coupon form and if in coupon form they may be made registrable either as to principal or as to both principal and interest. All bonds which are sold shall be sold by the governing body at not less than ninety-five

per cent of their par value, together with accrued interest from the date of the bonds to the date upon which they are delivered and paid for; provided that funding and refunding bonds may be exchanged for outstanding obligations as hereinafter provided. None of the notes or bonds authorized in this act to be issued to finance improvements shall be subject to the provisions of Chapter 6 of Title 12 of the Code of Alabama of 1940, as heretofore or hereafter amended.

Section 55. Advertisement and sale or exchange All bonds issued under this act, except bonds issued to the contractor and except funding and refunding bonds issued by exchange as hereinafter provided, shall be sold to the highest bidder at public sale; provided, that if at a duly advertised public sale in accordance with this section no legal bid acceptable to the governing body shall be received, then such bonds may be sold within thirty (30) days thereafter at private sale to the United States of America or to the state of Alabama or to any agency or instrumentality of either thereof or to any corporation owned or controlled by either the United States of America or the state of Alabama. The public sale shall be either on sealed bids or at auction. The notice of a public sale shall state whether the sale is to be on sealed bids or at auction, and shall also briefly recite the amount of the bonds to be sold, the maturities thereof, the amount payable at each maturity, any redemption or prepayment privileges, the frequency with which interest will be payable, either the rate or rates of interest which the bonds are to bear or that the bidders are invited to name the rate or rates in their bids, and the time and place of sale or for submitting sealed bids. Such notice shall be published once in each of two consecutive weeks in a newspaper published in the county, the first of such publications to be not less than ten (10) days before the last date for submitting bids if the sale is on sealed bids, or the date of sale if the sale is at auction. If there is no newspaper meeting the foregoing requirements the notice shall be posted in three (3) public places in the county for at least a like period of ten (10) days. The governing body shall have the right to reject any or all bids. Nothing herein contained shall prevent the issuance of bonds under this act to the contractor in accordance with the provisions hereof. Funding or refunding bonds may be issued in exchange for a like or greater amount of the interest then due or accrued on or the principal of the indebtedness to be funded or refunded thereby, whether such indebtedness has then matured or shall thereafter mature, with the consent of the holders of such indebtedness to be funded or refunded thereby, without the publication of notice or other advertisement of such exchange; provided, that if the principal amount of the bonds so proposed to be issued in exchange shall exceed an aggregate of \$50,000

then no such exchange shall be effected unless the county shall first have offered such funding or refunding bonds for sale to the highest bidder at public sale advertised in accordance with the provisions of this section and no legal bid acceptable to such governing body shall have been received therefor at such advertised public sale. In the event no such legal bid acceptable to such governing body shall have been received at such advertised public sale then such exchange may thereafter be effected without further notice or advertisement. In any such authorized exchange the county may pay for services rendered in making or securing the making of the exchange, not more than 5% of the face value of the first \$10,000 aggregate principal amount of the funding or refunding bonds so exchanged, plus 2-1/2% of the face value of the funding or refunding bonds so exchanged in excess of \$10,000 principal amount. Any amount herein authorized to be paid by the making of any exchange of bonds shall include the cost of preparing the bonds, all costs of legal work, and all other necessary expenses in connection with the making of the exchange.

Section 56. How highest bidder determined. In determining the highest bidder for bonds offered for public sale the lowest net interest cost to the county, as determined by the governing body, shall govern. The determination of such governing body as to what constitutes such lowest net interest cost shall be final and conclusive.

Section 57. Application of proceeds of sale. The principal proceeds received in the sale of any bonds issued under the authority of this act shall be used for the purposes for which the bonds are issued; provided, however, that if for any reason any part of such proceeds shall not be necessary for such purposes, then such unexpended part of such proceeds shall be applied to the payment of the principal of or interest on the said bonds. All accrued interest and premium received in any such sale shall be applied to the payment of interest or principal on the bonds sold.

Section 58. Bonds incontestable thirty days from delivery. Any bonds reciting that they are issued pursuant to this act shall in any action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith, and with all other provisions of statutes applicable thereto and shall be incontestable, anything herein or in other statutes to the contrary notwithstanding, unless such action or proceeding is begun before or within thirty days after the day upon which the bonds are delivered and paid for.

Section 59. Bonds shall be exempt from taxes. All notes, interest thereon, bonds and interest coupons attached to the same, issued under the authority of this act, shall be exempt from state, county and municipal taxation.

Section 60. Irregularity shall not affect validity; property of bonds. No irregularity in the proceedings to authorize the issue of bonds under this act, nor the omission or neglect of any officer charged with the execution of any duties imposed by this act shall affect the validity of any bonds issued under this act. Such bonds shall have all the properties and protection of commercial paper.

Section 61. Lost, mutilated, or destroyed bonds. Whenever it shall be made to appear to the governing body by clear and satisfactory evidence that any bond issued hereunder has been lost, destroyed, or mutilated, so that the same is not held by any person as his property, then the county shall issue a duplicate of such lost, destroyed, or mutilated bond, in like amount, bearing like interest and executed and marked in like manner as the bond so proved to have been lost, destroyed, or mutilated. But the owner of such lost, destroyed, or mutilated bond shall first execute a penal bond in double the amount of the bond sought to be replaced, together with the amount of interest which has or might thereafter accrue thereon, with some surety company qualified to do business in the state of Alabama, to be approved by the governing body and payable to the county, with condition to indemnify and save harmless such county from any claim whatsoever because of such lost, destroyed, or mutilated bond. Such penal bond shall be filed and kept with the clerk, and shall be admissible in evidence in any court.

Section 62. County may settle, adjust or refund bonds. The governing body shall have the power to settle, adjust and refund any bonds issued hereunder, whether such bonds have already become due and payable or are about to become due and payable or are callable according to their terms, and the governing body deems it to the best interest of the county to call said bonds and raise funds for the payment thereof by the sale of bonds as herein authorized; provided, however, that all sums derived from the payment of assessments and being in the hands of the county at the time of such refunding shall be first applied to the payment of the outstanding bonds, and refunding bonds shall be issued only in such amount as shall be necessary to raise the difference between the amount required for the payment of the outstanding bonds and the amount held for the payment thereof.

Section 63. Refunding bonds may be delivered to special fund. Where the county has used any part of any other special

fund for the purpose of taking up at maturity bonds or coupons representing a portion of the principal of bonds which had heretofore been issued for improvements and which had fallen due, the provisions of the preceding section shall be construed to permit either the issuance of refunding bonds to the county treasurer as custodian of such fund, or the sale of such bonds for the purpose of replacing in such fund all moneys of such fund so used.

Section 64. Separate issues may be consolidated. In exercising the powers conferred by the two preceding sections it shall not be necessary to make a separate issue of refunding bonds with respect to each outstanding issue, but two or more of such outstanding issues or portions thereof may be grouped together in a single refunding issue, in which event all assessments thereafter collected with respect to any of the improvements financed by the separate issues, or the proper proportionate part thereof, shall be applicable to the payment of such refunding bonds.

Section 65. Sinking fund. A separate sinking fund account shall be provided and kept for each refunding bond issue authorized under the provisions of the three preceding sections to which shall be credited all collections made on assessments levied with respect to the improvements financed by the original issues of bonds or the proper proportionate part thereof, and such sinking fund shall be used only for the purpose of paying interest and principal on such bonds in that particular group or series as they mature.

Section 66. Assessments under different resolutions may be grouped for the issue of bonds. Any county desiring to issue bonds under this act shall have power to group improvements under two or more resolutions and make one issue of bonds under this act based on the combined estimated costs or combined assessments in respect of such improvements.

Section 67. Deposit of funds arising from assessments; how drawn out. The official charged with the duty of collecting assessments shall keep all sinking funds in some bank or banks paying interest on time deposits to be designated by the governing body, and shall provide and keep a separate sinking fund account for each bond issue. If the said officer shall fail to provide and keep the said separate sinking fund account for each such bond issue in the said bank or banks or shall divert any of such funds to other uses or shall fail to pay any bond or bonds or the interest thereon properly payable from the said funds, when available, any taxpayer of the county or any holder of bonds of the series affected by such diversion or failure shall have the right to apply for a writ of mandamus, requiring the

said official to take such action, to any court of competent jurisdiction and the said court shall on proof issue and enforce the said writ. Anything hereinabove to the contrary notwithstanding, the official charged with the duty of collecting assessments may deposit in a single bank account all collections of assessments securing bonds for the payment of which the general credit or taxing power of such county is also pledged, whether such assessments secure bonds of one issue or series or bonds of several issues or series; but separate accounts shall be kept on the record of the county on the collections and disbursements from the assessments for each issue.

Section 68. Officer collecting assessments liable on official bonds for funds. The official charged with the duty of collecting assessments shall be required to give bond, including the amount of any official bond which may have been required of him by law, equal to not less than five per cent of the total amount in the said sinking funds provided for in the next preceding section and the said bond shall be increased and may be diminished from time to time in order to comply with this provision. The cost of the said increased bond shall be paid by the county. The said official shall be liable on his official bond to any holder of the bonds authorized to be issued under this act for any loss or injury to such holder caused by the diversion by the said officer of any fund or part thereof to the payment of any indebtedness of the county other than the bonds and interest coupons issued hereunder and indebtedness herein authorized to be paid out of the said fund or caused by the use or misappropriation by the said officer of any part of the funds out of which the said bonds and coupons are to be paid for any other purpose than as provided for in this act, or for the benefit of the county or others. All members of the governing body who shall, by their vote, or in any other manner, cause, aid, or encourage any such diversion, use of misappropriation of the funds out of which the bond holders are entitled to be paid, for any other purposes than those authorized and required in this act, whereby loss or injury to the bond holders or any of them is caused, shall be jointly and severally liable to such bond holders injured, to the extent of such loss or injury. Any failure by any of the above officials to keep all funds collected from assessments in sinking funds in the bank or banks as provided in this act or to retire bonds when due out of such funds when available shall be construed as a diversion or misappropriation and any bond holder of a bond in the series affected, may at any time enter suit against the said official or officials in any court of competent jurisdiction for the satisfaction of such loss and injury.

Section 69. Redemption of bonds. At any time when the amount of any particular fund shall, with its accumulations,

equal the amount of any one of the outstanding bonds and accrued interest entitled to payment out of such fund, the governing body shall have authority to redeem any and all such bonds that may be presented for redemption at such times thereafter as the holders thereof may desire to present the same for redemption.

Section 70. Refunding to parties proportionate amount of excess. In the event the amounts collected from the assessments under any improvement resolution shall exceed the total cost and expense of the improvement, there shall be refunded to each of the parties affected by the said assessments a proportionate amount of the excess, upon demand made therefor by the said parties within twelve months after maturity or payment of the bonds authorized with respect to that improvement. If such claims be not presented within twelve months from the date of the maturity or payment of the said bonds, they shall be forever barred, and such amount shall be converted to the general revenue fund of the county.

Section 71. Lands purchased or condemned by county for public improvement. Whenever in the judgment of the governing body it may be necessary or expedient for the carrying out and full exercise of the powers hereby granted, a county may acquire by purchase or condemnation the necessary lands, or rights or easements, or interests therein, thereunder, and thereover, and may proceed to condemn the same in the manner provided in Title 12 or by the general laws of this state governing the taking of lands or the acquiring of an interest therein, for the uses for which private property may be taken; in which case such proceedings shall be governed in every respect by the general laws of the state pertaining thereto.

Section 72. Subsequent annexation or incorporation. The subsequent annexation to a municipality or incorporation as a new municipality of any area with respect to which assessments have been made for an improvement pursuant to this act shall not change, alter, or invalidate in any manner any of the proceedings taken, assessments made, liens established, or notes or bonds issued, hereunder.

Section 73. Severability. If any clause, sentence, section or provision of this act, or the application thereof to any person, body, situation, or circumstance is held invalid or inoperative by a court of competent jurisdiction, such holding shall not affect any other clause, sentence, section, or provision of this act or the application thereof to any other person, body, situation, or circumstance not affected by such holding.

Section 74. Repealing clause. All laws and parts of laws inconsistent or in conflict with this act are hereby expressly repealed.

Section 75. Effective date. This act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 4:59 P.M.

Act No. 317

H. 468—Cook (Jefferson), Dill, Sessions,
Yeilding, Cherner, Gloor, Adwell,
Jackson (T), Holman, Kilgore,
Money, Bowers, Weeks, Gafford,
Watkins, House, Waggoner,
Ellis

AN ACT

To authorize any county having a population of 600,000 or more according to the last or any subsequent federal decennial census, to become a party to a contract or lease agreement, solely on its own behalf, or jointly with any municipality in any such county, whereunder the liability of each may be joint or several, and whereunder the lessor is a public building authority, for a maximum period of twenty (20) years, to provide office space or to pay the expenses of providing office space for the State or County Department of Pensions and Security or any successor to both or either of them in carrying on any program for public welfare assistance.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of 600,000 or more according to the last or any subsequent federal decennial census.

Section 2. Any such county is authorized to enter into a contract or agreement of lease solely on its own behalf, or jointly with any municipality located in any such county in which latter case the obligations of such county may be joint or several, to lease all or any portion of any building acquired by any public building authority now or hereafter organized under either Act No. 682 enacted at the 1951 Regular Session of the Legislature of Alabama, or Act No. 493 enacted at the 1955 Regular Session of the Legislature of Alabama, as either of the said acts has heretofore or may hereafter be amended, to provide or to pay the expenses of providing office space in the said county for the State or County Department of Pensions and Security, or both, or any successor to both or either, in administering any program of public welfare assistance.

Section 3. Notwithstanding any other provisions of law, each such county is authorized to make any such separate or joint or several lease or contract for any period up to a maximum of twenty (20) years from its date.

Section 4. Any such county is authorized to co-operate and participate with the United States of America and the State of Alabama, or either of them, and with any agency of either thereof, in any contract or arrangement to provide revenues or funds to pay all or part of the obligations of such county under any such contract or lease, to operate and maintain any such office space, or to receive other financial assistance from any of them for any of such purposes.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid by a court of competent jurisdiction, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:00 P.M.

Act No. 318 H. 469—Cook (Jefferson), Dill, Sessions,
Yeilding, Cherner, Gloor, Adwell,
Jackson (Jefferson), Holman,
Kilgore, Money, Bowers, Weeks,
Gafford, Watkins, House,
Waggoner, Ellis

AN ACT

To authorize any public building corporation heretofore or hereafter organized pursuant to the provisions of Act No. 493 enacted at the 1955 Regular Session of the Legislature of Alabama, as heretofore or hereafter amended, in any municipality having a population of 300,000 or more according to the last or any subsequent federal decennial census, to enter into a contract or lease agreement with the municipality which authorized the organization of such public corporation and the county in which such municipality is located, whereunder the obligations of each may be joint or several, or with such municipality or such county separately, or with any department or agency of either, or with the State of Alabama or any department or agency thereof, for a maximum period of 20 years.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to public building corporations hertofore or hereafter organized pursuant to the

provisions of Act No. 493 enacted at the 1955 Regular Session of the Legislature of Alabama, as heretofore or hereafter amended, in a municipality having a population of 300,000 or more according to the last or any subsequent federal decennial census.

Section 2. Any such public building corporation is authorized to enter into a contract or lease agreement with the municipality which authorized the organization of such public building corporation and with the county in which such municipality is located, whereunder the obligations of each may be joint or several, or with such municipality or such county separately, or with any department or agency of either, or with the State of Alabama or any department or agency thereof.

Section 3. Notwithstanding any other provisions of law, the term of any such contract or lease agreement may be for any period of time up to a maximum of twenty (20) years from its date, and the rental payable thereunder may be paid at the times and by the parties specified in such contract or lease agreement.

Section 4. The provisions of this Act shall be cumulative and shall be in addition to all other powers now or hereafter granted to such public building corporations.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:01 P.M.

Act No. 319 H. 470—Cook (Jeff.), Dill, Sessions, Yeilding,
Cherner, Gloor, Adwell, Jackson (T),
Holman, Kilgore, Money, Bowers,
Weeks, Gafford, Watkins, House,
Waggoner, Ellis

AN ACT

To authorize any city having a population of 300,000 or more according to the last or any subsequent federal decennial census, to become a party to a contract or lease agreement, solely on its own behalf, or jointly with the county within which such municipality is located, whereunder the liability of each may be joint or several, and whereunder the lessor is a public building authority, for a maximum period of twenty (20) years, to provide office space or to pay the expenses of providing office space for the State of County Departments of Pensions and Security or any successor to both or either of them in carrying on any program of public welfare assistance.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in cities having a population of 300,000 or more according to the last or any subsequent federal decennial census.

Section 2. Any such city is authorized to enter into a contract or agreement of lease solely on its own behalf, or with the county within which such municipality is located, in which latter case the obligations of such city may be joint or several, to lease all or any portion of any building acquired by a public building authority now or hereafter organized under either Act No. 682 enacted at the 1951 Regular Session of the Legislature of Alabama, or Act No. 493 enacted at the 1955 Regular Session of the Legislature of Alabama, as either of the said acts has heretofore or may hereafter be amended, to provide office space or to pay the expenses of providing office space in the said city for the State or County Departments of Pensions and Security, or both, or any successor to both or either, in administering any program of public welfare assistance.

Section 3. Notwithstanding any other provisions of law, each such city is authorized to make any such separate or joint or several lease or contract for any period up to a maximum of twenty (20) years from its date.

Section 4. Any such city is authorized to co-operate and participate with the United States of America and the State of Alabama, or either of them, and with any agency of either thereof, in any contract or arrangement to provide revenues or funds to pay all or part of the obligations of such city under any such contract or lease, to operate and maintain any such office space, or to receive other financial assistance from any of them for any of such purposes.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid by a court of competent jurisdiction, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:02 P.M.

AN ACT

TO AMEND ACT NO. 929 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1951, APPROVED SEPTEMBER 12, 1951 (GENERAL ACTS OF ALABAMA 1951, PAGES 1579 ET SEQ.) AS AMENDED, ENTITLED "TO CREATE OR PROVIDE IN OR FOR EACH AND EVERY CITY OF THE STATE OF ALABAMA HAVING A POPULATION OF TWO HUNDRED AND FIFTY THOUSAND OR MORE INHABITANTS ACCORDING TO THE LAST OR ANY SUCCEEDING FEDERAL CENSUS A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR OFFICERS AND EMPLOYEES OF SUCH CITY AND THEIR WIDOWS AND CHILDREN; TO MAKE THE PROVISIONS OF SUCH SYSTEM RETROSPECTIVE AS WELL AS PROSPECTIVE; AND, SUBORDINATELY, TO DEFINE OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH OF ANY COUNTY IN WHICH ANY SUCH CITY MAY BE LOCATED AS OFFICERS AND EMPLOYEES OF SUCH CITY FOR THE PURPOSE OF RETROSPECTIVE AND PROSPECTIVE APPLICATION OF THE TERMS OR PROVISIONS OF SUCH SYSTEM."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 15 of Act No. 929 of the Regular Session of the Legislature of 1951, approved September 12, 1951 (General Acts of Alabama 1951, pages 1579 et seq.) as amended, entitled "To create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinatedly, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system," be and said Section 15 is hereby amended to read as follows:

"Section 15. Reduction of Allowances.—Any amount otherwise payable by the fund to any beneficiary for any month or part thereof on account of retirement, or disability shall be reduced by the amount, if any, paid or payable by the City to such beneficiary for the same month or part thereof on account or by reason of employment of said beneficiary during such month as an employee of the City."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:03 P.M.

Act No. 321 H. 476—Adwell, Bowers, Jackson (T), Holman,
Weeks, Sessions, Meeks, Gafford,
Crane, Waggoner, Kilgore, Cherner

AN ACT

TO AMEND ACT NO. 929 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1951, APPROVED SEPTEMBER 12, 1951 (GENERAL ACTS OF ALABAMA, 1951, PAGE 1579, ET SEQ.), AS AMENDED, ENTITLED: "AN ACT TO CREATE OR PROVIDE IN OR FOR EACH AND EVERY CITY OF THE STATE OF ALABAMA HAVING POPULATION OF TWO HUNDRED AND FIFTY THOUSAND OR MORE INHABITANTS ACCORDING TO THE LAST OR ANY SUCCEEDING FEDERAL CENSUS A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR OFFICERS AND EMPLOYEES OF SUCH CITY AND THEIR WIDOWS AND CHILDREN: TO MAKE THE PROVISIONS OF SUCH SYSTEM RETROSPECTIVE AS WELL AS PROSPECTIVE; AND, SUBORDINATELY, TO DEFINE OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH OF ANY COUNTY IN WHICH ANY SUCH CITY MAY BE LOCATED AS OFFICERS AND EMPLOYEES OF SUCH CITY FOR THE PURPOSE OF RETROSPECTIVE AND PROSPECTIVE APPLICATION OF THE TERMS OR PROVISIONS OF SUCH SYSTEM.

Be It Enacted by the Legislature of Alabama:

Section 1. That subsection (b) of Section 23 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq.), as amended, entitled: "An Act To create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system", be and said subsection (b) is hereby amended to read as follows:

"(b) The Board shall meet on the second Thursday in each calendar month; provided, however, that the Board shall not be required to meet unless there is pending before the Board some application for a pension, relief or benefit or unless there is pending some other matter requiring consideration by the Board; and provided, further, that the Board by and through a resolution adopted by it may change the regular meetings from Thursday to such other time as may be convenient to the Board. Any three Board members, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board, provided, how-

ever, the Secretary be present and record the proceedings of the special meeting as hereinafter provided. The Board shall meet in the office of the Chairman or such other place as the Board may designate.

"The Personnel Director shall be Secretary of the Board and shall be present at every meeting of the Board and keep a record of all proceedings of the Board and of all orders and decisions of the Board. No salary or compensation shall be paid to the Secretary or to member number two. Members number one, number three and number four shall receive Ten Dollars (\$10) for each meeting attended but not more than Twenty Dollars (\$20) for meetings attended in any one calendar month. Three members of the Board, when assembled either in regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board and the affirmative vote of three members shall be necessary and sufficient to pass any motion or resolution.

"The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons entitled thereto under the system, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinabove referred to and in bonds of the United States Government, or general obligation bonds of the State of Alabama, or general obligation bonds of any municipality or county of the State of Alabama, or in Federal savings and Loan Associations, or in other corporations having Federal Savings and Loan Association's guarantee, or in bonds or common or preferred stock or corporations organized under Federal laws or the laws of any State of the United States, or may invest in certificates of deposit or bonds issued by banks organized under Federal laws or under laws of the State of Alabama; provided, however, that no more than ten thousand dollars shall be invested in any one Federal Savings and Loan Association, or in any one corporation having Federal Savings

and Loan Association's guarantee; and provided, further, that no funds shall be invested in bonds or common or preferred stock of private corporations unless such bonds or common or preferred stock are listed upon Exchanges subject to the jurisdiction of the Securities and Exchange Commission, and the aggregate value of the funds invested in such bonds of corporations last referred to above shall not exceed fifty per cent (50%) of all the funds available in the system for investments, nor shall the total investment in common or preferred stocks of such corporation exceed ten per cent (10%) of all the funds available in the system for investments.

"The Board of Managers is authorized to secure, and to pay for with funds of the system, investment counsel and investment advice from individuals or firms experienced and specializing in furnishing such advice, and also the advice and services of accountants and auditors and legal advice and services and such other professional counsel, advice and services as the said Board deems necessary for the proper management and administration of the system.

"In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance in office or for habitual neglect of duty."

Section 2. This Act shall become effective upon its adoption and approval by the Governor or its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:04 P.M.

Act No. 322

H. 514—Pennington, Foshee, Jackson (F), Turnham, Steagall, Meade, Granger, Crawford, Headley, Owen (Baldwin), Brannan, Brassell, Snell, Higginbotham, Harper, Holladay, Hain, Laxson, Williams, McLain, Kilgore, Weeks, Pruitt, Fite, Manley, Dill, Sessions, Yeilding, Drake, Cook (Coffee), Garret, Mays, Owens (W), Paulk, Stembridge

AN ACT

To provide for organizing industrial development corporations; provide for definitions; provide the purpose of such corporations; provide that such corporations may be organized under the general laws of Alabama, subject to certain limitations; provide that such corporations may borrow money from members and issue securities and evidences of indebtedness and secure same; provide said corporations may make loans, may acquire the good will, business and assets of persons, firms, and corporations and may acquire real estate and use the same for the purposes of the corporation; provide that corporations organized under the laws of Alabama or transacting business in Alabama are authorized to purchase, hold, and dispose of the securities of industrial development corporations; provide that financial institutions are authorized to become members and make loans to such corporations, subject to certain limitations; provide that financial institutions are authorized to acquire the securities and stock of such corporations; provide such corporations shall set aside a portion of earned surplus from year to year as a reserve fund; provide for selecting depositories for funds of such corporations; provide such corporations shall be subject to examination by a certified public accountant and shall file reports with the Secretary of State; provide for the management of such corporations by a board of directors, a president and officers; provide for the dissolution of such corporations; provide that such corporations shall be state development companies as defined in the Small Business Act, of 1958; provide for the payment of annual occupational license tax; provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this Act, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows:

“Corporation” means an Alabama industrial development corporation created under this Act.

“Financial institution” means any banking, mortgaging corporation or trust company, savings and loan association, insurance company or related corporation, partnership, foundation, pension funds, or other institution engaged primarily in lending or investing funds.

“Member” means any financial institution authorized to do business within this state which shall undertake to lend money to a corporation created under this Act, upon its call, and in accordance with the provisions of this Act.

“Board of Directors” means the board of directors of the corporation created under this Act.

“State” means the State of Alabama.

“Loan limit” means for any member, the maximum amount permitted to be outstanding at one time on loans made by such member to the corporation, as determined under the provisions of this Act.

Section 2. Five (5) or more financial institutions or persons, a majority of whom shall be residents of this state, who

may desire to create an industrial development corporation under the provisions of this Act, for the purpose of promoting, developing, and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the office of the secretary of state, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(1) The name of the corporation which shall include the words "Industrial Development Corporation of Alabama".

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the state as may be fixed by the board of directors.

(3) The purposes for which the corporation is founded, which shall be to promote, stimulate, develop, and advance the business prosperity and economic welfare of Alabama and its citizens; to encourage and assist through loans, investments or other business transactions in the location of new business and industry in this state and to rehabilitate and assist existing business and industry; to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural, and recreational developments in this state; and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state.

(4) The names and post office addresses of the members of the first board of directors, who unless otherwise provided by the articles of incorporation or the bylaws, shall hold office for the first year of existence of the corporation or until their successors are elected and have qualified.

(5) Any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting, and regulating the powers of the corporation, the directors, stockholders or any class of the stockholders, including, but not limited to a list of the officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates, provided that no provision shall be contained for cumulative voting for directors.

(6) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share

and the amount of the capital with which it will commence business and, if there is more than one class of stock, a description of the different classes; the names and post office addresses of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the minimum amount of the capital with which the corporation shall commence business which shall be not less than \$100,000. The articles of incorporation may also contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(7) The articles of incorporation shall be in writing, subscribed by not less than three (3) natural persons competent to contract and acknowledged by each of the subscribers before an officer authorized to take acknowledgments and filed in the office of the secretary of the state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

(8) The articles of incorporation shall recite that the corporation is organized under the provisions of this Act.

The secretary of state shall not approve articles of incorporation for a corporation organized under this Act until a total of at least five (5) national banks, state banks, mortgage banks, federal savings and loan associations, state savings and loan associations, domestic building and loan associations, pension funds, or insurance companies authorized to do business within this state, or any combination thereof, have agreed in writing to become members of said corporation; and said written agreement shall be filed with the secretary of state with the articles of incorporation and the filing of same shall be a condition precedent to the approval of the articles of incorporation by the secretary of state. Whenever the articles of incorporation shall have been filed in the office of the secretary of state and approved by him, and all filing fees and taxes prescribed by Alabama Statutes, have been paid, the subscribers, their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

Section 3. In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by Alabama Statutes, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint, and employ officers, agents, and employees; to make contracts and incur liabilities for any of the purposes of the corporation; provided, that the corporation

shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner.

(2) To borrow money from its members and the Small Business Administration and any other similar federal agency for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights, and privileges of every kind and nature, or any part thereof of interest therein, without securing stockholder or member approval.

(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith; provided, however, that the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one (1) bank or other financial institution.

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) To acquire the good will, business, rights, real and personal property and other assets, or any part thereof, or interest therein, of any persons, firms, corporation, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts, and liabilities of any such person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments.

(6) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evi-

dences of interest in, or indebtedness of any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon.

(7) To mortgage, pledge, or otherwise encumber any property, right or thing of value, acquired pursuant to the powers contained in subsections (4), (5), or (6) as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States Department of Commerce, the State Planning and Industrial Development Board, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance, and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

(9) To do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

Section 4. Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization or trust indentures:

(1) Any person, including all domestic corporations organized for the purpose of carrying on business within this state, and further including without implied limitation public utility companies and insurance companies, and foreign corporations licensed to do business within this state, and all financial institutions as defined herein, and all trusts, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities, or other evidences of indebtedness created by, or the shares of the capital stock of the corporation, and while owners of said stock to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state except as otherwise provided in this ACT: provided, however, that a financial institution which does not become a member of the corporation shall not be permitted to acquire any shares of the capital stock of the corporation;

(2) All financial institutions are hereby authorized to become members of the corporation and to make loans to the corporation as provided herein and;

(3) Each financial institution which becomes a member of the corporation is hereby authorized to acquire, purchase,

hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of any bonds, securities, or other evidences of indebtedness created by, or the shares of the capital stock of the corporation, and while owners of said stock to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state; provided, that the amount of the capital stock of the corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten (10%) of the loan limit of such member.

The amount of capital stock of the corporation which any member is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such member may otherwise be authorized to acquire.

Section 5. Any financial institution may request membership in the corporation by making application to the board of directors on such form in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board.

Each member of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(1) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this section.

(2) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed fifty (50) times the amount then paid in on the outstanding capital stock of the corporation.

(3) The total amount outstanding on loans to the corporation made by any member at any one time, when added to the amount of the investment in the capital stock of the corporation then held by such member, shall not exceed:

(a) Twenty percent (20%) of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding amounts validly called for loan but not yet loaned.

(b) The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or in the

case of an insurance company, its last annual statement to the state insurance commissioner: two and one half percent ($2\frac{1}{2}\%$) of the capital and surplus of commercial banks and trust companies; one half of one percent ($1/2\%$) of the total outstanding loans made by savings and loan associations, and building and loan associations; two and one half percent ($2\frac{1}{2}\%$) of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; two and one half percent ($2\frac{1}{2}\%$) of the unassigned surplus of mutual insurance companies, except fire insurance companies; one tenth of one percent ($1/10\%$) of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

(4) Subject to paragraph (a) of subsection (3) of this section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.

(5) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, and other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one percent ($1/4\%$) in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of issuance thereof on unsecured commercial loans.

Section 6. Membership in the corporation shall be for the duration of the corporation; provided that upon written notice given to the corporation five (5) years in advance, a member may withdraw from membership in the corporation at the expiration date of such notice.

A member shall not be obligated to make any loans to the corporation pursuant to calls made subsequent to notice of the intended withdrawal of said member.

Section 7. The stockholders and the members of the corporation shall have the following powers of the corporation:

(1) To determine the number of and elect directors as provided in section 9 hereof;

(2) To make, amend, and repeal by-laws;

- (3) To amend this charter as provided in section 8;
- (4) To dissolve the corporation as provided in section 15;

(5) To do all things necessary or desirable to secure aid, assistance loans and other financing from any financial institutions, and from any agency established under the Small Business Investment Act of 1958. Public Law 85-699, 85th Congress, or other similar federal laws now or hereafter enacted;

(6) To exercise such other of the powers of the corporation consistent with this Act as may be conferred on the stockholders and the members by the bylaws.

As to all matters requiring action by the stockholders and the members of the corporation, said stockholders and said members shall vote separately thereon by classes, and except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled and the affirmative vote of a majority of the votes to which the members present or represented at the meeting shall be entitled.

Each stockholder shall have one (1) vote, in person or by proxy, for each share of capital stock held by him, and each member shall have one (1) vote, in person or by proxy, except that any member having a loan limit of more than one thousand dollars (\$1,000.00) shall have one (1) additional vote, in person or by proxy, for each additional one thousand dollars (\$1,000.00) which such member is authorized to have outstanding on loans to the corporation at any one time as determined under paragraph (b) of subsection (3) of section 5.

Section 8. The articles of incorporation may be amended by the votes of the stockholders and the members of the corporation, voting separately by classes, and such amendments shall require approval by the affirmative vote of two thirds (2/3) of the votes to which the stockholders shall be entitled and two thirds (2/3) of the votes to which the members shall be entitled; provided that no amendment of the articles of incorporation which is inconsistent with the general purposes expressed herein or which authorizes any additional class of capital stock to be issued, or which eliminates or curtails the right of the state comptroller to examine the corporation or the obligation of the corporation to make reports as provided in section 12, shall be made; and provided further that no amendment of the articles of incorporation which increases the obligation of a member to make loans to the corporation, or makes any change in the principal amount, interest rate, maturity date, or in the security

or credit position of any outstanding loan of a member to the corporation, or affects a member's right to withdraw from membership as provided herein, or affects a member's voting rights as provided herein, shall be made without the consent of each member affected by such amendment.

Within thirty (30) days after any meeting at which an amendment of the articles of incorporation has been adopted, articles of amendment signed and sworn to by the president, treasurer, and a majority of the directors, setting forth such amendment and due adoption thereof, shall be submitted to the secretary of state who shall examine them, and if he finds that they conform to the requirements of this Act, shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall be filed in the office of the secretary of state, and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Section 9. The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice-president, a secretary, a treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number not less than fifteen (15) nor more than twenty-one (21), as shall be determined in the first instance by the incorporators and thereafter annually by the members and the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders or members and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of the director, which shall be filled as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at the annual meeting, which annual meeting shall be held during the month of January or, if no annual meeting shall be held in the year of incorporation, then within ninety (90) days after the approval of the articles of incorporation at a special meeting as hereinafter provided. At each annual meeting, or at each special meeting held as provided in this section, the members of the corporation shall elect two thirds ($\frac{2}{3}$) of the board of directors, and the stockholders shall elect the remaining directors. The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office of a director elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director

elected by the stockholders shall be filled by the directors elected by the stockholders.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

Section 10. Each year the corporation shall set apart as earned surplus not less than ten percent (10%) of its net earnings for the preceding fiscal year until such surplus shall be equal in value to one half ($1/2$) of the amount paid in on the capital stock then outstanding. Whenever the amount of surplus established herein shall become impaired, it shall be built up again to the required amount in the manner provided for its original accumulation. Net earnings and surplus shall be determined by the board of directors, after providing for such reserves as said directors deem desirable, and the determination of the directors made in good faith shall be conclusive on all persons.

Section 11. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

Section 12. The corporation shall be examined at least once annually by a certified public accountant and shall file reports of its condition annually with the Secretary of State, who in turn shall make copies of such reports available to the Governor. The corporation shall pay the actual cost of said examinations. The provisions of the Alabama Banking Code will apply, where such banking code is not in conflict with this Act.

Section 13. The first meeting of the corporation shall be called by a notice signed by three (3) or more of the incorporators, stating the time, place, and purpose of the meeting, a copy of which notice shall be mailed or delivered to each incorporator at least five (5) days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect, signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize by the choice, by ballot, of a temporary clerk; by the adoption of bylaws; by the election by ballot of directors; and by action

upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. Ten (10) of the incorporators shall be a quorum for the transaction of business.

Section 14. The period of duration of the corporation shall be fifty (50) years, subject, however, to the right of the stockholders and the members to dissolve the corporation prior to the expiration of said period as provided in section 15.

Section 15. The corporation may upon the affirmative vote of two thirds ($\frac{2}{3}$) of the votes to which the stockholders shall be entitled and two thirds ($\frac{2}{3}$) of the votes to which the member shall be entitled dissolve said corporation. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the members of the corporation as creditors thereof have been paid in full.

Section 16. Under no circumstances shall the credit of the state be pledged to any corporation organized under the provisions of this Act.

Section 17. Any corporation organized under the provisions of this Act shall be a state development company, as defined in the Small Business Investment Act of 1958, Public Law 85-699, 85th Congress, or any other similar federal legislation, and shall be authorized to operate on a statewide basis.

Section 18. Any tax exemptions, tax credits, or tax privileges granted to banks, savings and loan associations, trust companies, and other financial institutions by any general laws are granted to corporations organized pursuant to this Act.

Section 19. Every corporation organized and engaged in business under the provisions of this Act shall pay an annual state occupational license tax of \$50.00. Counties and municipalities are authorized in addition to levy an occupational license tax.

Section 20. Notwithstanding the provisions of any other law of this state, now or hereinafter enacted, any corporation organized under the provisions of this Act shall be authorized to take and receive security by a mortgage or otherwise on property, real and personal.

Section 21. The provisions of Title 53, Code of Alabama, 1940, as amended, and any other laws of this state regulating the issue, registration and sale of securities, shall not apply to

any security issued by a corporation organized under the provisions of this Act.

Section 22. Corporations organized under this Act shall adopt the calendar year as their fiscal year.

Section 23. The provisions of this Act are severable, and if any of its provisions shall be unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 24. This Act shall take effect immediately upon its becoming a law.

Approved August 12, 1969.

Time: 5:05 P.M.

Act No. 323

H. 529—McDonald, Starnes, Drake

AN ACT

To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An Act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama 1959, p. 1483, and by Act No. 44, General Acts of Alabama 1965, Special Sess., p. 64, and to provide the time when the amendment shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts of Alabama 1953, Reg. Sess., p. 549), as amended by Act No. 594, General Acts of Alabama 1959, Reg. Sess., p. 1483, and by Act No. 44, General Acts of Alabama 1965, Special Sess., p. 64, be, and the same is hereby, further amended to read as follows:

"Section 3. The salary of each such law clerk shall not be in excess of eight thousand four hundred dollars (\$8,400.00) annually to be fixed by the chief justice or associate justice employing him, and shall be paid in semimonthly installments out of the general funds of the state as other state employees are paid."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:06 P.M.

Act No. 324

H. 530—McDonald, Starnes, Drake
AN ACT

To further amend Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and associate judges of the Court of Appeals, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 979), as amended by Act No. 595, General Acts of Alabama 1959, p. 1484, and by Act No. 43, General Acts of Alabama 1965, Special Sess., p. 63, and to provide the time when the amendment shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and the associate judges of the Court of Appeals, to prescribe their duties and fix their compensation," (General Acts of Alabama 1953, Reg. Sess., p. 979), as amended by Act No. 595, General Acts of Alabama 1959, Reg. Sess., p. 1484, and by Act No. 43, General Acts of Alabama 1965, Special Sess., p. 63, be, and the same is hereby, further amended to read as follows:

"Section 3. The salary of each such law clerk shall not be in excess of eight thousand four hundred dollars (\$8,400.00) annually, to be fixed by the presiding judge or associate judge employing him, and shall be paid in semimonthly installments out of the general funds of the state as other state employees are paid."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:07 P.M.

Act No. 325

H. 594—Crawford

AN ACT

Relating to counties having a population of not less than 15,000 nor more than 15,300 according to the most recent federal decennial census; fixing the compensation of the superintendent of education in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 15,000 nor more than 15,300 according to the most recent federal decennial census, the boards of education of such counties are authorized to fix the annual salary of the county superintendent of education in an amount not less than \$8,000 nor more than \$15,000. Such salary shall be paid in equal monthly installments from the general funds of the county in the same manner as salaries of other county employees are paid.

Section 2. All general, local, or special laws or parts of such laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:08 P.M.

Act No. 326 H. 599—Dill, Kilgore, Holman, Jackson (T),
Gloor, Cherner, Gafford, Yeilding,
Sessions, Ellis, Watkins, Money,
Bowers, Cook (Jefferson), Weeks,
Meeks

AN ACT

TO AMEND SECTION 1 OF ACT NO. 528 OF THE 1959 REGULAR SESSION OF THE LEGISLATURE OF ALABAMA (GENERAL ACTS OF ALABAMA OF 1959, p. 1302-1304), PROVIDING FOR THE APPOINTMENT OF A ZONING BOARD OF ADJUSTMENT IN ANY CITY HAVING A POPULATION OF THREE HUNDRED THOUSAND INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 528 of the 1959 Regular Session of the Legislature of Alabama (General Acts of Alabama of 1959, p. 1302-1304) be and the same is hereby amended to read as follows:

"Section 1. The governing body of any city which may now or hereafter have a population of three hundred thousand inhabitants or more, according to the last or any subsequent federal census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment and in the zoning regulations and restrictions adopted by such city pur-

suant to the authority of the laws of this state, provide that such Board of Adjustment shall, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning ordinance of such city in harmony with its general purpose and intent, and in accordance with general or specific rules therein contained. Such Board of Adjustment shall consist of seven members, each to be appointed by the governing body of such city, and each shall hold office for a term of seven years or until such time as his successor shall be appointed and qualify, except that the respective terms of the seven members first appointed shall be for one, two, three, four, five, six and seven years; provided, members may after a public hearing, be removed for cause by the governing body of the city. Such Board of Adjustment shall adopt rules in accordance with the provisions of the zoning ordinance adopted by such city. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. Such board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer or such other officer as is charged with the enforcement of the zoning ordinance of the city. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the

appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. The Zoning Board of Adjustment shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance of the City. To hear and decide special exceptions to the terms of the zoning ordinance of the city upon which such board is required to pass under such ordinance. To authorize upon appeal in specific cases such variance from the terms of the zoning ordinance of the city as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done, provided, however, that no variance shall be granted under the provisions of this act to allow a structure or use in a district restricted against such structure or use, except as specifically provided for by the zoning ordinance. In exercising the above mentioned powers, such board may, in conformity with the provisions of this act, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of two-thirds (2/3) of the Board members present shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or such other officer as is charged with the enforcement of the zoning ordinance of the city, or to decide in favor of the applicant or any matter upon which it is required to pass under any ordinance of the city or to effect any variation in any such ordinance. A quorum at any meeting shall consist of four (4) members. The Zoning Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portion thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified."

Section 2. This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:09 P.M.

Act No. 327 H. 600—Dill, Kilgore, Holman, Weeks, Gloor,
Cherner, Gafford, Yeilding,
Sessions, Bowers, Waggoner, Meeks,
Watkins, Ellis, Money, Cook
(Jefferson), Adwell

AN ACT

To amend Section 9 of Act No. 414 of the Legislature of Alabama of 1947 (General Acts of 1947, p. 304 et seq.) which fixes, levies and requires the payment of a license tax on cigarettes and tobacco products in counties having a population of 400,000 or more according to the last or any subsequent Federal Census.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 9 of Act No. 414 of the Legislature of Alabama of 1947 (General Acts of 1947, p. 304 et seq.) be, and the same is, hereby amended so as to read as follows:

“Section 9. The license tax required to be paid by this act through the purchase of tobacco stamps from the Probate Judge shall be received by him and shall be distributed by him as follows: one-half of one percent of said tax first shall be paid to the Probate Judge to be paid by him to the General Treasury of the County for the collection and distribution of said tax, two and one-half percent of said tax shall then be paid to the license inspector for the enforcement of the provisions of this act and shall be paid by the license inspector to the General Treasury of the County; the remainder of said tax, after first deducting the three percent as above provided shall be distributed as follows: one-fourth shall be paid into the General Treasury of the County and three-fourths shall be distributed to the municipalities within the county, on a population basis, according to the last or any subsequent Federal Census. The share of a municipality having no Federal Census shall be determined in the manner herein provided until its population is established by a Federal Census. The enumeration of the inhabitants residing within such municipality, or within the limits of the proposed municipality, pursuant to an order of the Probate Court in the incorporation proceedings of such municipality, shall be treated as the population thereof until its population has been established by Federal Census.

“The Probate Judge shall distribute the tax on or before the 10th day of the month following receipt of same.”

Section 2. This Act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:10 P.M.

Act No. 328

H. 601—Dill, Kilgore, Holman, Weeks,
 Jackson (T), Gloor, Cherner,
 Gafford, Yielding, Sessions,
 Bowers, Waggoner, Meeks,
 Watkins, Ellis, Money, Cook
 (Jefferson), Adwell

AN ACT

To amend Section 10 of Act No. 662 of the Legislature of Alabama of 1951 (General Acts of 1951, p. 1132 et seq.) which fixes, levies and requires the payment of a license tax upon the sale, distribution, delivery, storage or taking out of storage of beer, lager beer, ale, porter, near beer or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent Federal Census.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 10 of Act No. 662 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1132 et seq.) be, and the same hereby is, amended so as to read as follows:

“Section 10. Each distributor or seller of malt or brewed beverages is entitled to a discount of two percent (2%) of the total license tax levied under the provisions of this Act and due from said distributor or seller. Each distributor or seller of malt or brewed beverages shall, at the time of paying the license tax levied hereunder, deduct therefrom a sum equal to two percent (2%) of the total license tax due by said distributor or seller. Payment by said distributor or seller to the Probate Judge of the county of ninety-eight percent (98%) of the license tax levied under the provisions of this Act shall constitute full payment. Any distributor or seller who is delinquent in the payment of said tax shall not be entitled to the discount herein provided. The license tax required to be paid by this Act shall be paid to the Probate Judge of the county and shall, by him, be distributed as follows: One-half of one percent of said net tax collected first shall be paid to the Probate Judge to be paid by him into the general treasury of the county for the collection and distribution of said tax, one and one-half percent of said net tax collected shall then be paid to the License Inspector for the enforcement of the provisions of this Act and shall be paid by the License Inspector to the general treasury of the county. The remainder of said tax, after first deducting the two percent as above provided, shall be distributed as follows: Two-eighths of the proceeds of said tax shall be paid to the County Board of Education to be used for the payment of salaries of public school teachers and three-eighths of the proceeds of said tax shall be paid into the general treasury of the county, and three-

eights of said proceeds shall be prorated and distributed to the municipalities within the county upon the basis of their respective populations, according to the Federal Census, at the time distribution is made. The share of a municipality having no Federal Census shall be determined in the manner herein provided until its population is established by a Federal Census. The enumeration of the inhabitants residing within such municipality, or within the limits of the proposed municipality, pursuant to an order of the Probate Court in the incorporation proceedings of such municipality, shall be treated as the population thereof until its population has been established by Federal Census."

Section 2. This Act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:11 P.M.

Act No. 329

H. 602—Cherner, Yeilding, Sessions, Ellis, Jackson (T), Cook (Jeff.), House, Bowers, Meeks, Gafford, Holman, Gloor Weeks, Adwell

AN ACT

Relating to counties having a population of 600,000 or more according to the last or any succeeding federal census; and to provide for the allocation and distribution between and among said counties and the incorporated municipalities located therein of those portions of the net proceeds from the state gasoline excise tax that are allocated or apportioned to such counties and municipalities therein by Sections 3, 4 and 5 of Act No. 224 adopted at the special session of the Legislature of Alabama of 1967 (Acts of Alabama of 1967, page 295 et seq.); to repeal Act No. 404 adopted at the 1967 Regular Session of the Legislature of Alabama (Acts of Alabama of 1967, page 1017 et seq.) and all other laws or parts of laws in conflict herewith; and to fix the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions and Use of Phrases. The following words and phrases, wherever used in this Act, shall have the respective meanings hereinafter ascribed to them.

"*County*" means any county that at the time is subject to the provisions of this Act.

"*Federal census*" means any decennial census and any special census made by or under the direction of the Bureau of the Census of the United States Department of Commerce, or by any other bureau or agency of the United States that may succeed to the functions of the said Bureau of the Census.

"*Highway gasoline tax*" means (a) the excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940,

as amended, exclusive of those portions of the said tax in respect of aviation fuel and marine gasoline, as those terms are used in the said Section 647, and (b) the excise tax levied by Act No. 674 adopted at the 1961 Regular Session of the Legislature, as amended, exclusive of that portion of the said tax in respect of diesel fuel.

"Highway gasoline tax distribution act" means Act No. 224 adopted at the Special Session of the Legislature of Alabama approved May 10, 1967.

"Municipality" means a municipal corporation incorporated under the laws of the State.

"State" means the State of Alabama.

The foregoing definitions shall be applicable whether the words defined are herein used in the singular or plural.

Section 2. Application of Act; Legislative Intent. This Act shall apply to each county in the State that has a population of 600,000 or more according to the last or any subsequent federal census. It is the intention of the Legislature by the passage of this Act to provide for public highways, streets and bridges in each county in the State that may at any time be subject to the provisions of this Act, and to provide for the distribution in the manner hereinafter specified of the tax proceeds allocated or payable to such county and the municipalities therein pursuant to the provisions of the highway gasoline tax distribution act.

Section 3. Distribution of Those Portions of the Proceeds from the Highway Gasoline Tax Allocated to Each County and the Municipalities therein Subject to this Act. The term "the total amount" as used in this Section 3 means the total of all amounts allocated or apportioned, pursuant to either of Sections 3, 4 and 5 of the Highway Gasoline Tax Distribution Act, to any county or municipalities therein subject to the provisions of this Act. The total amount shall be distributed as follows:

(a) First, thirteen percent (13%) of the total amount shall be paid to the county;

(b) Second, after the payment provided for in (a) above, there shall be divided among and distributed to the county and the municipalities therein on the basis of the ratio of the population of the unincorporated territory in the county and the various municipalities to the total county population, according to the most recent federal census, an amount which shall be equal to the difference between the total amount and the amount paid to the county under (a) above, unless the total amount exceeds

\$6,000,000.00; and if the total amount exceeds \$6,000,000.00, the amount to be divided between the county and the municipalities under this provision (b) shall be an amount equal to the difference between \$6,000,000.00 and the amount paid to the county under (a) above;

(c) Third, if the total amount exceeds \$6,000,000.00, then after the payments provided for in (a) and (b) above, the first \$500,000.00 of the total amount in excess of \$6,000,000.00 shall be paid to the county; and

(d) Fourth, if the total amount exceeds \$6,500,000.00, then after the payments provided for in (a), (b) and (c) above, that part of the total amount in excess of \$6,500,000.00 shall be divided among and distributed to the county and the municipalities therein on the basis of the ratio of the population of the unincorporated territory in the county and the various municipalities to the total county population, according to the most recent federal census.

The distribution provided for in this section shall be made in lieu of the distribution in the county that is provided for in Section 5 of the highway gasoline tax distribution act. The State Treasurer shall make the allocation to the counties subject to this Act and pay over such funds so allocated to such counties to the Probate Judge or other official in such county charged with the responsibility of collecting excise and license taxes in such county and said county official shall then promptly allocate and distribute all funds so allocated and received between the county and the municipalities therein on the basis as herein provided.

Section 4. Distribution to Municipalities Incorporated after September 30, 1967, in Each County Subject to this Act. Any municipality incorporated after September 30, 1967, shall not participate in the distribution provided for in this act until the fiscal year next succeeding the fiscal year during which it is incorporated; and each such municipality shall for the purpose of any computation under this act be deemed throughout the fiscal year during which it is incorporated to constitute unincorporated territory in the county. The population of any municipality incorporated subsequent to the taking of the then next preceding federal census shall be deemed, until the effective date of the then next succeeding federal census, to be the population shown by the census for that municipality taken pursuant to the requirements of Section 13 of Title 37 of the Code of Alabama of 1940.

Section 5. Effective Date of Census. For the purposes of this Act, each federal census shall be deemed to be effective on

the first day of October next following the publication of the results of any such census or, if no such publication is made, then on the first day of October next following the official report of such census.

Section 6. Use of Tax Proceeds Distributed Under This Act. All tax proceeds paid to the county pursuant to the provisions of this Act shall be used by the county only for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges, as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the proceeds from the highway gasoline tax were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in Act No. 838 adopted at the 1953 Regular Session of the Legislature; provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of the State.

All tax proceeds paid to any municipality pursuant to the provisions of this Act shall be used by such municipality only for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets, and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the said proceeds were or may be lawfully pledged; provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of the State.

Section 7. Nothing herein provided shall relieve the County of its obligation to maintain County roads located within any municipality of the county which were designated as county roads by appropriate resolutions of the County Commission on and prior to September 7, 1967, and were being maintained by said County on said date, provided that the County Commission of such county shall have the right, at any time, by appropriate resolution, to eliminate any such roads from the county road system that, in its opinion, are no longer required as a part thereof and upon such elimination of such road from the county road system, any obligation of the county to maintain same shall terminate.

Section 8. Repeal of Conflicting Laws. Act No. 404 adopted at the 1967 Regular Session of the Legislature of Alabama (Acts of Alabama of 1967, page 1017, et seq.) is hereby expressly repealed. All other laws or parts of laws in conflict with this Act are, to the extent of such conflict, hereby expressly repealed.

Section 9. Severability Clause. In the event any section, sentence, clause or portion of this Act should be declared invalid any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act which shall continue effective.

Section 10. Effective Date of this Act. This Act shall become effective upon its enactment and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:12 P.M.

Act No. 330

H. 667—Culver, Robertson, Bank, Brown

AN ACT

To amend Act No. 491, S. 444 of the Regular Session of 1961 (Acts, 1961 Regular Session, p. 563) which provides for a commission form of government for cities having populations of not less than 60,000 nor more than 70,000 according to the most recent federal decennial census, in relation to the compensation of the chairman and associate members of the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 491, S. 444, of the Regular Session of 1961 (Acts, 1961 Regular Session, p. 563) is hereby amended to read as follows:

“Section 8. *Compensation of the Chairman of the Commission Board and Associate Commissioners.* For the performance by him of the duties imposed by this act, including any additional duties that may be assigned by him hereunder, the chairman of the commission board shall receive \$18,000 per annum, and each associate commissioner shall receive a salary of \$7,200 per annum. All such salaries shall be paid monthly or semimonthly, as City employees are paid, during their respective terms of office, and shall be paid out of the general fund of the city. The payment of all funds out of the treasury shall be by warrants signed by the city clerk and countersigned by the chairman of the commission board, but no funds may be paid out for any purpose except by resolution or ordinance duly adopted making such provision.”

Section 2. This act shall become effective upon the expiration of the term of office of the commissioners serving when this act becomes law.

Approved August 12, 1969.

Time: 5:13 P.M.

Act No. 331 H. 680—Ellis, Dill, Adwell, Yielding, Weeks,
 Holman, Sessions, House, Crane,
 Money, Waggoner, Cherner,
 Watkins, Meeks, Gafford, Cook
 (Jefferson), Kilgore, Bowers,
 Jackson (T), Gloor

AN ACT

To amend Section 68 of Title 52 of the 1940 Code of Alabama relating to compensation of members of the County Board of Education and to fix the compensation of members of the County Board of Education in all counties having a population of 600,000 persons or more according to the last or any succeeding federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 68 of Title 52 of the 1940 Code of Alabama be and the same hereby is amended to read as follows:

“Section 68. *COMPENSATION.*—The members of the county board of education shall receive from the public school funds of the county Seven and 50/100 Dollars (\$7.50) a day and their actual traveling and hotel expenses incurred in attending meetings of the board, and transacting the business of the board. The members of the county board shall not be allowed pay for more than twenty-four (24) days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers. They shall not be required to hold teachers’ certificates. Provided, however, that in counties having a population of 600,000 persons or more according to the last or any succeeding federal census, members of the county board of education shall receive from the public school funds of the county Twenty-five Dollars (\$25.00) per day and their actual traveling and hotel expenses incurred in attending meetings of the Board and transacting the business of the board, not to exceed thirty-six (36) days in any one year, said compensation and expenses to be paid in like manner as provided for the compensation of teachers.

Section 2. All laws or parts of laws in conflict herewith hereby are repealed.

Section 3. This act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:15 P.M.

Act No. 332 H. 688—Brown, Culver, Bank, Robertson

AN ACT

To provide for the appointment and tenure and number and fixing the compensation of Bailiffs for the Sixth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the Sixth Judicial Circuit of Alabama, each Circuit Judge shall have the power and authority to appoint one Bailiff who shall receive a salary of Seventy Five Hundred (\$7,500.00) Dollars per annum and which salary shall be payable in twelve equal monthly installments out of the county treasury of the county composing such circuit upon warrant of the presiding officer of the governing body of such county. Each such Bailiff shall serve at the pleasure of the Judge so appointing him. The Bailiffs appointed by such Judges hereunder shall be in lieu of Bailiffs provided by any other law of Alabama.

Section 2. That all laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:16 P.M.

Act No. 333

H. 694—Berryman (W), Graham

AN ACT

Relating to Franklin County; providing for reimbursement of actual expenses of travel to members of the board of revenue when traveling out of the county on county business; and providing for retroactive effect of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of revenue of Franklin County shall be entitled to reimbursement for all reasonable and necessary actual expenses of travel when traveling out of the county on business of the county. A sworn statement of such expenses with the dates on which they were incurred shall be submitted to the probate judge not later than 30 days after the incurrence of such expenses and shall be paid out of the general funds of the county upon the warrant of the probate judge that such payment is due. The expenses of travel provided for in this act shall be in addition to the regular expense allowance provided in Act No. 206, H. 337, Regular Session 1967 (Acts 1967, p. 570).

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; however, it shall authorize reimbursement for travel expenses incurred on and after June 1, 1969.

Approved August 12, 1969.

Time: 5:17 P.M.

Act No. 334

H. 698—Stembridge, Crawford

AN ACT

To amend Section 6 of Act No. 217, H. 275, approved August 1, 1961, (Acts of Legislature, Regular Session of 1961, Volume 1, pp. 244, et seq.), An Act "To provide for and prescribe the form of government of all cities having populations of not less than 30,000 nor more than 31,500."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 6 of Act No. 217, H. 275, approved August 1, 1961, (Acts of Legislature of Alabama, Regular Session of 1961, Vol. 1, pp. 244, et seq.) be amended to read as follows:

"Section 6. Effective on the first Monday in October, 1969, the Mayor in cities within the scope of this act shall receive an annual salary of \$7,200.00 and each associate commissioner shall receive an annual salary of \$4,800.00. In addition, all reasonable expenses incurred by such Mayor and associate commissioners in the performance of their duties as such Mayor and associate commissioners shall be paid by the city. All such salaries shall be payable by the city in equal monthly installments and at the same rate for every fraction of a year which the commissioners serve. The payment of all funds out of the treasury shall be by warrants signed by the City Clerk and countersigned by the Mayor, provided that during the absence of the Mayor from the corporate limits of the city, and necessity therefor arising, warrants may be countersigned by one of the associate commissioners designated by the Mayor to act in his stead."

Section 2. This act shall become effective October 1, 1969.

Approved August 12, 1969.

Time: 5:18 P.M.

Act No. 335

H. 700—Brassell

AN ACT

Relating to counties having populations of not less than 46,000 nor more than 46,500, according to the most recent federal decennial census; to provide further for expense allowances to the members and clerk of the county governing bodies in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members, including the chairman, of the court of county commissioners, board of revenue or other like governing body of all counties having populations of not less than 46,000 nor more than 46,500, according to the most recent federal decennial census, shall each be entitled to receive from the county treasury the sum of two hundred and fifty dollars (\$250) per month for expenses incurred in the performance of their official duties within any such county. Such expense allowances shall be in addition to any salary or other compensation due them; but it shall be in lieu of any allowances heretofore provided them by law for their ordinary and necessary expenses. The clerks of such governing bodies shall each be entitled to receive from such county treasuries such an expense allowance of two hundred dollars (\$200) per month for necessary duties within any such county. Such allowances shall be paid at the end of each month on warrants, approved by such governing bodies, on any funds in the county treasury not otherwise appropriated or out of such funds as the county governing body directs.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall take effect on the first day of the month following its passage and approval by the Governor or its otherwise becoming law.

Approved August 12, 1969.

Time: 5:20 P.M.

Act No. 336

H. 703—Brassell

AN ACT

Relating to cities having populations of not less than 20,500 nor more than 28,000; providing an expense allowance for members of the governing body of such cities.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cities in this state having populations of not less than 20,500 nor more than 28,000 according to the most recent federal decennial census, the mayor shall be entitled to an expense allowance of \$300 per month; and the members of the city commission shall each be entitled to an expense allowance of \$250 per month. Such allowances shall be for expenses incurred in the performance of such officers' regular duties within any such city. Such allowances shall be paid each month out of the city treasury from funds not otherwise appropriated and shall be in addition to all other allowances heretofore provided.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on the first day of the month following the month in which this Act becomes law.

Approved August 12, 1969.

Time: 5:21 P.M.

Act No. 337

H. 704—Snell

AN ACT

Relating to all counties having populations of not less than 37,000 nor more than 41,000; regulating the compensation of certain officers, providing compensation for clerks, deputies, assistants and secretaries, and providing for operation of their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of any county in Alabama having a population of not less than 37,000 nor more than 41,000, according to the most recent federal decennial census, shall be entitled to receive the following salaries in lieu of all other compensation heretofore prescribed for them by law.

(a) Probate Judge — twelve thousand dollars (\$12,000) annually.

(b) Sheriff—eight thousand four hundred dollars (\$8,400) annually.

(c) Circuit Clerk—eight thousand four hundred dollars (\$8,400) annually.

(d) Tax Assessor—eight thousand four hundred dollars (\$8,400) annually.

(e) Tax Collector—eight thousand four hundred dollars (\$8,400) annually.

(f) County Commissioners—four thousand two hundred dollars (\$4,200) annually.

(g) Coroner—twelve hundred dollars (\$1,200) annually, plus milage at the rate of 8¢ per mile for necessary travel in the performance of his duties.

Section 2. The court of county commissioners, board of revenue, or other like governing body of any such county, shall provide compensation for clerks, deputies, assistants, and secretaries for the officers enumerated in this act in such number as may be reasonably necessary for the efficient conduct of their respective offices. Each officer enumerated in Section 1 of this act shall select, discharge, and fix the salaries of his subordinates. However, the maximum allowance for clerk hire and salaries for assistants for each of such officers shall be as follows:

For the probate judge, the sum of \$12,200 per annum.

For the sheriff, the sum of \$32,400 per annum.

For the tax collector, the sum of \$6,000 per annum.

For the tax assessor, the sum of \$7,000 per annum.

For the clerk of the circuit court, the sum of \$8,000 per annum.

Section 3. The court of county commissioners, board of revenue, or other like governing body of any county having a population of not less than 37,000 nor more than 41,000, according to the most recent federal decennial census, shall provide the judge of probate, sheriff, circuit clerk, tax assessor, and tax collector, with the books, stationery, office equipment, supplies, postage, and other conveniences and conveyances as may be necessary for the proper and efficient conduct of the affairs of their respective offices.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws, or parts of laws, general, local or special, in conflict herewith are hereby superseded and repealed.

Section 6. The provisions of Section 1 of this act shall become effective as to each officer specified at the expiration of the term of the incumbent officer. The remainder of this

act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved August 12, 1969.

Time: 5:22 P.M.

Act No. 338

H. 705—Snell

AN ACT

Relating to all counties having populations of not less than 37,000 nor more than 41,000 according to the most recent federal decennial census, fixing the per diem pay for members of the board of equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 37,000 nor more than 41,000, according to the most recent federal decennial census, the members of the board of equalization shall each receive twenty dollars per day for each day's attendance upon sessions of the board.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:23 P.M.

Act No. 339

H. 785—Beck, Meade

AN ACT

Relating to counties having populations of not less than 38,000 nor more than 45,000; authorizing an appropriation from the treasury of any such county for the relief of Eurell Bailey.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 38,000 nor more than 45,000 according to the most recent federal decennial census is hereby authorized and directed to appropriate from the county treasury the sum of \$2,400 for the relief of Eurell Bailey, in payment of a just

and equitable claim against such county which accrued on account of official duties performed by the said Eurell Bailey, who was not compensated for such duties.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:24 P.M.

Act No. 340

H. 794—Burgreen

AN ACT

To alter, rearrange, extend and redefine the boundaries and corporate limits of the Town of Ardmore in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Ardmore in Limestone County, Alabama, are hereby altered, rearranged, extended and redefined so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other additional and adjacent territory in said county, so as to include within said corporate limits all of the lands described as lying within the following description:

A tract of land lying and being in Sections 3, 4 and 5, Township 1 South, Range 3 West, in Limestone County, Alabama, more particularly described as beginning at the northeast corner of said Section 3, also a point on the Alabama-Tennessee State Line; thence South along the East boundary of said Section 3, 5280 feet, more or less, to the Southeast corner of said Section 3; thence West along the South boundary of said Sections 3 and 4, 10560 feet, more or less, to the southwest corner of said Section 4; thence continue West along the south boundary of said Section 5, 105 feet, more or less, to the center of the L & N Railroad tracks; thence North 24 degrees 31 minutes East along the center of said Railroad tracks, 2900 feet, more or less, to a point on the one-half section line running East and West through said Section 4; thence West along said one-half section line of said Section 4 and the one-half section line running East and West through said Section 5, 1680 feet, more or less, to a point; thence North and parallel with the east boundary of said Section 5, 2630 feet, more or less, to the north boundary of said Section 5 and a point on said State Line; thence East along the north boundary of said Sections 5, 4 and 3, 11060 feet, more or less, to the point of beginning.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on October 1, 1969.

Approved August 12, 1969.

Time: 5:25 P. M.

Act No. 341

H. 804—Brassell, Turnham, Higginbotham

AN ACT

Relating to counties having populations of not less than 46,000 nor more than 46,500; to provide further for the compensation of certain bailiffs in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the circuit court of any county having a population of not less than 46,000 nor more than 46,500 according to the most recent federal decennial census shall fix the salary of any bailiff appointed by him at a sum not to exceed \$350 per month. Such salary shall be paid monthly out of the general fund of the county on the order of such judge.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:26 P. M.

Act No. 342

H. 809—Shumate, Fite, Dobbs,
Fine, Drake

AN ACT

Regulating further nighttime hunting in certain counties of the state classified on a population basis; providing for the taking, catching or killing of raccoons and o'possums during nighttime hours, but only under certain conditions and with a certain kind of gun and ammunition in such counties, when authorized by a rule of the director of conservation; and providing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations, according to the most recent federal decennial census of not less than 14,400 nor more than 14,900; not less than 15,500 nor more than 16,300; not less than 20,500 nor more than 21,850; not less than 42,000 nor more than 46,000; and not less than 51,000 nor more than 56,000.

Section 2. In all counties to which this Act applies it shall be unlawful, except as to trapping as otherwise provided by law, for any person to take, capture or kill or attempt to take, capture or kill any bird or animal protected by the laws of this State between sunset and daylight of the following day. Provided, however, the Director of Conservation shall have the authority, by a duly promulgated regulation, to allow the taking, catching or killing of raccoons and o'possums between sunset and daylight in any county or counties to which this Act applies. Provided, further, that in any county where the taking, catching or killing of raccoons and o'possums is permitted during said nighttime hours, by regulation of the Director of Conservation, such animals may only be legally taken with the use of a light and a .22 caliber rifle using .22 caliber short cartridges and the person or persons so hunting must not have in their possession any ammunition, except short cartridges for a .22 caliber rifle, and must be accompanied by a dog or dogs, and if hunting on the lands of another they must have the written permission of the landowner. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each offense and at the discretion of the court may be imprisoned in the county jail for a period not to exceed six months.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:29 P.M.

Act No. 343

H. 815—Graham, Berryman (W)

AN ACT

Relating to the Thirty-first Judicial Circuit; extending the powers, authority and duties of the District Attorney of any such Judicial Cir-

cuit so as to empower, authorize and require that such District Attorney supervise the prosecution of all misdemeanors to be tried and all felonies to be heard on preliminary, in any and all inferior courts located and constituted in the county composing any such judicial circuit; creating the office of deputy District Attorney for any such judicial circuit and prescribing the duties of such office; providing for the mode and manner of the appointment of such deputy District Attorney and for his compensation, and further providing that such compensation shall be paid out of the general fund of the county composing any such judicial circuit; authorizing the District Attorney of such circuit to appoint a stenographic secretary, and providing for the payment of said secretary's compensation from the general funds of the county constituting such circuit; providing for the supplemental compensation of the District Attorney of the 31st Judicial Circuit and that such supplemental compensation herein provided shall be in lieu of any and all other salary supplements heretofore authorized.

Be It Enacted by the Legislature of Alabama:

Section 1. The powers, authority and duties of the District Attorney of the Thirty-first Judicial Circuit shall be and hereby are extended to empower, authorize and require that he supervise the prosecution of all misdemeanors to be tried and all felonies to be heard on preliminary in any and all inferior courts located and constituted in the county composing such Judicial Circuit, and such District Attorney shall have the power and authority to take charge of any misdemeanor or felony heard or tried in such inferior courts.

Section 2. There shall be and hereby is authorized and created the office of deputy District Attorney in the Judicial Circuit falling within Section 1 of this Act. The District Attorney of every such judicial circuit shall be and is hereby empowered to appoint such deputy District Attorney who must be a bona fide resident citizen of the county composing such circuit and who shall serve at the pleasure of such District Attorney. The primary duties of such deputy District Attorney shall be the prosecution under the supervision of the District Attorney of all misdemeanors to be tried and all felonies to be heard on preliminary in any and all inferior courts located and constituted in the county composing such judicial circuit. When such deputy District Attorney is not engaged in the fulfillment of his said primary duties, he shall perform such other duties of the office of District Attorney before the grand jury or in the Circuit Court of such judicial circuit as the District Attorney may require and direct. The Compensation of the deputy District Attorney shall be in the discretion of the District Attorney of the 31st Judicial Circuit be not less than Nine Thousand Six Hundred (\$9,600.00) Dollars per annum, minimum, and not more than Twelve Thousand (\$12,000.00) Dollars per annum, maximum, payable in equal monthly installments, or in semi-monthly installments, out of the general fund of the county composing such judicial circuit, as other salaries are paid. Such deputy District

Attorney shall be subject to the provisions of Section 229 or Title 13 of the Code of Alabama of 1940, as amended.

Section 3. The salary of the District Attorney shall be supplemented by the county composing any such circuit by an amount equal to one-fourth of the salary now or hereafter paid such District Attorney by the State of Alabama. The supplement hereby authorized shall be paid in equal monthly installments out of the general fund in the county treasury, shall be in addition to the salary paid the District Attorney by the State and shall be in lieu of any and all other salary supplements heretofore authorized.

Section 4. The District Attorney of said circuit may appoint a stenographic secretary who shall serve at the pleasure of the District Attorney and shall perform such duties as he may direct. The compensation of such secretary shall be fixed by the District Attorney at the sum of not exceeding Three Hundred (\$300.00) Dollars, per month. Said compensation shall be paid in monthly installments out of the general fund of the treasury of the county constituting such circuit at the end of each month, or semi-monthly at the election of said secretary, such payment to be made on certificate issued by the District Attorney of such circuit in favor of such secretary for the respective amounts due each month.

Section 5. The office of Solicitor of the Colbert Law & Equity Court of Colbert County, created by Act number 32, H162, Regular Session 1947 (Local Acts 1947, Regular Session, Page 25) shall be abolished upon this act becoming effective, at the commencement of the next regular term of the District Attorney of the 31st Judicial Circuit.

Section 6. If any sentence, clause, provision, or section of this Act shall be declared to be invalid, the invalidity thereof shall not effect the validity of any other portion or provision of this Act, it being the intention to enact into law so much thereof as may validly become law, irrespective of the invalidity of any portion hereof.

Section 7. This Act shall become effective upon the commencement of the next regular term of the District Attorney of the 31st Judicial Circuit after its passage and approval by the Governor.

Approved August 12, 1969.

Time: 5:30 P.M.

Kilgore, Gloor, Jackson (T), Weeks,
Watkins, Yeilding, Waggoner,
Bowers

AN ACT

TO AUTHORIZE ANY CITY OF THIS STATE HAVING A POPULATION OF 300,000 OR MORE INHABITANTS ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS TO PAY HOSPITAL BILLS, DOCTORS' BILLS, AND OTHER MEDICAL EXPENSES INCURRED BY ANY POLICEMAN, FIREMAN OR OTHER EMPLOYEE OF SUCH CITY OR AGENCY THEREOF IN SECURING TREATMENT OF INJURIES SUSTAINED BY SUCH POLICEMAN, FIREMAN OR OTHER EMPLOYEE AS A RESULT OF AND WHILE IN THE ACTUAL PERFORMANCE OF HIS DUTIES AS AN EMPLOYEE OF SUCH CITY OR AGENCY.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to a City of the state having a population of 300,000 or more inhabitants according to the last or any subsequent Federal Census.

Section 2. Any City referred to in Section 1 of this Act may pay the hospital bills, doctor's bills and any other medical expenses incurred by any policeman, fireman or other employee of such city or agency thereof in securing treatment of injuries sustained by such policeman, fireman or other employee as a result of and while in the actual performance of his duties as an employee of such city or agency upon approval of such bills by the Mayor or other chief executive officer of the city or agency.

Section 3. The Mayor or other chief executive officer of such city or agency may approve for payment only such bills for medical services which he determines are necessary for the treatment of such injuries and in such amount as in his opinion is reasonable. The Mayor or other chief executive officer of such city or agency may promulgate or prescribe rules or regulations for observance by the employees of such city or agency relating to the approval or consideration for approval of such bills.

Section 4. No such city or agency shall pay for any such hospital service, doctor's service or other medical services which were rendered more than three years, subsequent to the date on which the injury was sustained.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:31 P.M.

Act No. 345

H. 828—Steagall

AN ACT

To authorize and provide for the establishment, maintenance, operation, and financing of a public law library in Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Dale County, Alabama, is hereby fully authorized to establish and maintain a public law library in said County, and to accomplish said purpose, may from time to time expend such public funds of said County as are not required by law to be expended for any other purpose or purposes. It may provide suitable housing quarters, furniture, fixtures, and equipment therefor; keep the same in a good state of repair; and from time to time enlarge, expand, and improve such library, facilities and equipment; and from time to time provide such books, reports, and periodicals for said library as are not provided for out of the special funds created for by this Act or otherwise, all of which expenditures shall be made on warrants drawn in the usual manner, upon the County, payable out of the appropriate fund or funds.

Section 2. The Clerk of the Circuit Court of Dale County shall pay into the County treasury, for the use and benefit of the Dale County Public Law Library Fund, all solicitors' fees collected in the trial of cases in the Circuit Court of said County.

Section 3. The Dale County Law Library Fund shall be expended by the presiding Judge of the Circuit Court of Dale County for maintaining said library. Said Judge shall draw warrants on the County for expenditures by him, indicating on the warrants the fund against which the warrants are drawn. Said fund shall be used primarily to purchase such books and periodicals, and to pay the salaries of such personnel as may, in the opinion of the said Judge, be advisable, but to the extent not so used, such funds may be otherwise expended for the maintenance of the library. The management of the library is vested in said Judge and all books and other property purchased with the funds produced by this Act shall be the property of Dale County, Alabama; provided, however, that the Judge may from time to time, sell or exchange any such books, reports, periodicals, and personal property for use in said library and said Judge may accept for said Dale County Public Law Library any gift or loan of any books, reports, periodicals, and property

for public use in said library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said Judge. Said Judge may appoint such personnel as may be necessary or proper to operate said library, and to the extent that circumstances permit, may designate the Court Reporter, the Clerk of the Circuit Court, the Register of the Circuit Court in Equity, or one or more deputy Circuit Clerks, or registers, to operate the same or to assist therein.

Section 4. If any sentence, clause, provision or section of this Act be declared invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of portions hereof.

Section 5. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:32 P.M.

Act No. 346

H. 851—Fite

AN ACT

Relating to counties having populations of not less than 14,500 nor more than 14,900; to provide for the qualifications of the superintendent of education in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any county having a population of not less than 14,500 nor more than 14,900 according to the most recent federal decennial census.

Section 2. No person shall be eligible for election or appointment to the office of superintendent in any such county who does not submit proof to the state superintendent of education,

(1) that he has had three years of successful educational experience as a teacher, principal, supervisor, superintendent, educational administrator, or instructor in school administration during the five years next preceding his appointment or election; and

(2) that he holds a Class A. Rank 1 (or higher) superintendent-principal professional certificate in administration and

supervision based upon requirements established by the state board of education for such certificate.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:33 P.M.

Act No. 347

H. 859—Merrill, Lybrand, Burgess

AN ACT

Relating to Calhoun County; authorizing municipalities in said county to pay hospital and medical expenses of any municipal employee injured in line of duty.

Be It Enacted by the Legislature of Alabama:

Section 1. The commission, council, or other like governing body of any municipality in Calhoun County is authorized to pay out of the general funds of the municipality, all necessary medical bills, doctor's bills, hospital bills, x-ray bills and drug bills, incurred by an employee of such municipality in the treatment of injuries received by such employee in the performance of his or her duty for the municipality. The governing body may, upon determination that said injuries were in fact received in line of duty may make an award to the municipal employee, or may authorize payment directly to physicians, hospitals, or medical facilities, upon submission of valid bills for services rendered to the employee.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:34 P.M.

Act No. 348

H. 868—Manley, Pruitt

AN ACT

Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor and the Tax Collector of Perry County may each appoint a clerk to assist in the performance of the duties of his office. Each clerk so appointed shall be entitled to receive a salary not to exceed \$2400.00 per annum. The allowance shall be paid from the general funds of the county in such manner as the governing body of the county may direct.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved August 12, 1969.

Time: 5:35 P.M.

Act No. 349

H. 869—Manley, Pruitt

AN ACT

Relating to Perry County; to provide an allowance for clerk hire and expenses for the Circuit Court Clerk of Perry County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Circuit Court Clerk of Perry County may appoint a clerk to assist in the performance of the duties of the office of the Circuit Court Clerk. The clerk so appointed shall be entitled to receive a salary not to exceed \$2400.00 per annum. The allowance shall be paid from the general funds of the county in such manner as the governing body of the county may direct.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved August 12, 1969.

Time: 5:36 P.M.

Act No. 350

H. 871—Williams

AN ACT

TO ALTER, REARRANGE AND EXTEND THE BOUNDARY LINES OF THE CITY OF SCOTTSBORO, JACKSON COUNTY, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS THERETO, IN JACKSON COUNTY, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the City of Scottsboro, Jackson County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, so that the corporate limits of said City of Scottsboro shall hereafter be comprised of all the territory lying within the following described boundaries situated in Jackson County, Alabama, to-wit:

Begin at the Southwest corner of the Southeast quarter of the Southeast quarter of Section 27, Township 5 South, Range 5 East, thence run Northwest through Sections 27 and 22, Township 5 South, Range 5 East to the Northwest corner of said Section 22; thence run North along the West lines of Sections 15 and 10, Township 5 South, Range 5 East to the Northwest corner of said Section 10; thence run East along the North lines of Sections 10 and 11, Township 5 South, Range 5 East to the Northeast corner of the Northwest quarter of the Northeast quarter of said Section 11; thence run in a Northerly direction and parallel to the East boundary of Section 2, Township 5 South, Range 5 East, crossing said Section and Sections 35 and 26, Township 4 South, Range 5 East to the Northwest corner of the Northeast quarter of the Northeast quarter of Section 26, Township 4 South, Range 5 East; thence North along the West boundary of the East half of the Southeast quarter of Section 23, Township 4 South, Range 5 East to the South right of way line of the Lee Highway; thence Northwest along the South right of way of the Lee Highway to the West boundary of the East half of said Section 23; thence run North along the West boundary of the East half of said Section 23 and to the South right of way line of the Old Larkinsville Road; thence run West along the South right of way of the Old Larkinsville Road one-fourth mile and to the West boundary of the Northeast quarter of the Northwest quarter of said Section 23; thence run North along the West boundary of said Northeast quarter of the Northwest quarter of said Section 23, and along the West boundary of the Southeast quarter of the Southwest quarter of Section 14, Township 4 South, Range 5 East to the North boundary of the South half of the South half of Section 14, Township 4 South, Range 5 East; thence East along the North boundary of the South half of the South half of said Section 14 to the West boundary of the East half of the

Southeast quarter of said Section 14; thence run North along the West boundary of the East half of the Southeast quarter of said Section 14 to the Northwest corner thereof; thence East to the center of Section 13, Township 4 South, Range 5 East; thence Southeast to the Southeast corner of said Section 13; thence run East with the North line of Sections 19 and 20, Township 4 South, Range 6 East and to the Northwest right of way line of the Southern Railroad at or near the Northeast corner of said Section 20; thence run Northeast along the Northwest right of way line of the Southern Railroad to the East boundary of the West half of the West half of Section 16, Township 4 South, Range 6 East; thence North to the Southeast corner of the Northwest quarter of the Northwest quarter of said Section 16; thence West to the West boundary of said Section 16; thence North to the Northwest corner of said Section 16; thence West to the Southwest corner of the Southeast quarter of the Southeast quarter of Section 8, Township 4 South, Range 6 East; thence North to the Northwest corner of said Southeast quarter of the Southeast quarter; thence East with the North boundary of the South half of the South half of Sections 8 and 9, Township 4 South, Range 6 East to the East boundary of the West half of said Section 9; thence run North to the center of said Section 9; thence run East to the Northeast corner of the West half of the Southeast quarter of said Section 9; thence South to the South boundary of said Section 9; thence West along the South boundary of said Section 9, 2279.6 feet to the west right of way line of McFoilton Lane; thence run South $17^{\circ} 11'$ West 497.2 feet and to the Southeast corner of Lot 10, Block 2A of the Patrick Investment Company Property according to a survey made by B. M. Ballard dated April, 1965; thence run South $72^{\circ} 49'$ East 298.7 feet; thence South 85° East 568 feet and to the West right of way line of a County Road; thence run South $0^{\circ} 22'$ West along the West right of way line of said County Road 940.2 feet; thence run North $89^{\circ} 08'$ West 539.5 feet; thence run South $73^{\circ} 0'$ West 265.5 feet; thence run South $0^{\circ} 05'$ West 213.3 feet and to the North right of way line of McFoilton Lane; thence run along the North right of way line of McFoilton Lane North 73° East 349.2 feet and South $89^{\circ} 08'$ East 613 feet and to the East right of way line of a County Road at or near the Southern Railroad right of way; thence run Southeast along the East right of way of said County Road to the Southeast right of way line of the Southern Railroad; thence run Southwest along the Southeast right of way line of the Southern Railroad to the South boundary of the North half of said Section 16; thence East to the middle of said Section 16; thence North along the West boundary of the East half of said Section 16, 575 feet; thence run East 675

feet; thence run North to the North right of way of a county road; which right of way is the South boundary of Estate No. 13 of the Rural Estates Subdivision as the same is shown by a map or plat thereof recorded in Town Plat Book "A" at page 198 in the office of the Probate Judge of Jackson County, Alabama; thence run East along the North right of way line of said County Road to a branch which is shown on said plat crossing said Estate No. 13; thence run in a Northeasterly direction along said branch as the same meanders to the Northeast boundary of said Estate No. 13; thence run Southeast along the Northeast boundary of said Estate No. 13 to the Northwest right of way line of the Lee Highway; thence run Northeast with the Lee Highway to the East boundary of the West half of the East half of said Section 16; thence run South to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 16; thence run East to the Southeast corner of said Section 16; thence run South with the East Section line of Sections 21 and 28 of Township 4 South, Range 6 East to the Southeast corner of said Section 28; thence East with South Section line of Section 27, Township 4 South, Range 6 East to the Southeast corner of said Section 27; thence South with East line of Section 34, Township 4 South, Range 6 East and extending said line across McNary Reservation to the Northwest shore line of Gunter'sville Reservoir of the Tennessee River; thence Southwest with said shore line, passing Comer Bridge to Roseberry Creek Embayment and to where said shore line intersects the East Section line of Section 18, Township 5 South, Range 6 East; thence continue West and Northwest with the meanderings of said shore line to a point where said shore line intersects with the North section line of said Section 18; thence run West with said Section line to the Northwest corner of said Section 18; thence Southwest along a line which if extended would run to the Southwest corner of said Section 23 and run to the point where such line intersects the North line of the South half of said Section 23; thence Southwesterly along a line to the point where the Easterly shore line of a small island intersects the South line of the Southwest quarter of said Section 23; thence continue with the meanderings of the shore line of said island in Section 26, Township 5 South, Range 5 East and in the Riley Reservation to the point where said shore line intersects the West line of the Riley Reservation; thence run South along the West line of the Riley Reservation and to the point of intersection with the shore line of another small island, which island is located partly in the East half of Section 27, Township 5 South, Range 5 East, and partly in the Riley Reservation; thence continue with the meanderings of the shore line of said island in the Riley Reser-

vation and in said Section 27 to the point where the Southernmost shore line of said island intersects the East line of said Section 27 and the West line of the Riley Reservation; thence run Southwesterly to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 27, this being the point of beginning.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:37 P.M.

Act No. 351 H. 872—Springer, Harris, Cameron, Hobbie,
McElhanev

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 3 and 4, Township 15 North, Range 18 East, and Section 33, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the intersection of the south line of Section 3, T15N, R18E, Montgomery County, Alabama, and the westerly line of Woodley Road; thence west along the south line of said Section 3 to the southeast corner of Section 4, T15N, R18E, Montgomery County, Alabama; thence west along the south line of said Section 4 to the 1/2 section line running north and south through the center of said Section 4; thence north along said 1/2 section line to the south line of Section 33, T16N, R18E, Montgomery County, Alabama; thence north along the 1/2 section line running north and south through the center of said Section 33 to the north west corner of the SE¹/₄ of said Section 33; thence east along the north line of the said SE¹/₄ of said Section 33 to the east line of Woodley Road; thence southeasterly along the east line of Woodley Road 5223.4 feet more or less;

thence S-49°-07'-W to a point on that westerly line of Woodley Road; thence southeasterly along the westerly side of Woodley Road to the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:38 P.M.

Act No. 352

H. 873—Tuck

AN ACT

To alter and rearrange the boundaries of the City of Eutaw, Greene County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Eutaw in the County of Greene be and the same hereby are altered and rearranged so as to include within the corporate limits of said City of Eutaw, Alabama, all of the following described territory, to-wit:

NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 3, N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 4, E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5, N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 5, all in Township 21 North, Range 2 East.

All of Section 34, E $\frac{1}{2}$ of Section 33, E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 33, NW $\frac{1}{4}$ of Section 33, S $\frac{1}{2}$ of Section 32, S $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 32, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, S $\frac{1}{2}$ of Section 28, E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 29, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, NW $\frac{1}{4}$ of Section 35, W $\frac{1}{2}$ of W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 35, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, all in Township 22 North, Range 2 East.

Section 2. All laws and parts of laws, either general or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:39 P.M.

Act No. 353

H. 876—Higginbotham, Turnham, Brassell

AN ACT

To amend further Act No. 394, H. 828, Regular Session 1961, an act providing deputies and assistants for the sheriff of Lee County in relation to the number and compensation of such deputies and assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 394, H. 828, Regular Session 1961, (Acts 1961, p. 406) an act providing for deputies and assistants of the sheriff of Lee County, as amended, is further amended to read as follows:

"Section 1. The board of revenue, court of county commissioners or other like governing body of Lee County shall provide the sheriff of the county with one chief deputy, one assistant chief deputy, and two assistant deputies and in its discretion four additional assistant deputies, three jailers and one deputy clerk. The chief deputy shall receive not more than \$600.00 monthly; the assistant chief deputy shall receive not more than \$500.00 monthly; each assistant deputy shall receive not more than \$470.00 monthly; each jailer shall receive not more than \$350.00 monthly; and the deputy clerk shall receive not more than \$250 monthly. The exact amount of compensation to be paid to each of such deputies and assistants shall be fixed by the county governing body and shall be paid out of the general fund of the county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:40 P.M.

Act No. 354

H. 894—Agee, McCorquodale

AN ACT

Relating to Washington County; providing for the election of members of the court of county commissioners, board of revenue, or other like governing body of Washington County by the county at large.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this Act, the several members of the court of county commissioners, board of revenue, or other like governing body of Washington County, shall be nominated and elected by the qualified electors of the county at

large. A member shall be elected for each district, and he shall be a resident and qualified elector of the district for which he is elected. The members of the court of county commissioners, board of revenue or other like governing body of the county shall be elected at the time, in the manner, and for the terms provided by law, except as otherwise herein provided, the members from districts 2 and 4 being elected pursuant to this Act in 1970 and every four years thereafter and the members from districts 1 and 3 being so elected in 1972 and every four years thereafter.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:41 P.M.

Act No. 355

H. 896—Manley, Pruitt

AN ACT

To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 27,000 nor more than 30,000, according to the most recent federal decennial census, the chairman and each member of the county board of equalization shall be entitled to \$10.00 a day as expenses to be paid by the county on order of the presiding officer of the county governing body, for each day's attendance on meetings of the board as provided by law. The expense allowance herein provided for shall be payable from the general funds of the county and shall be in addition to the per diem provided members of the county board of equalization pursuant to Code of Alabama 1940, Title 51, Sections 94 and 95.

Section 2. This act shall be given retroactive effect and shall authorize the payment, at the discretion of the county governing body, of expenses incurred prior to the effective date hereof.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:42 P.M.

Act No. 356

H. 898—Manley, Pruitt

AN ACT

To amend Act No. 109, H. 379, Regular Session of 1951 (Acts 1951, Vol. 1, page 334). To impose extra, new and additional duties upon each member of the Court of County Commissioners of Perry County, Alabama and to provide additional compensation for the performance of such duties, and the method of payment of such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to all other duties now imposed upon them by law the following extra, new and additional duties are hereby imposed upon the members of the Court of County Commissioners of Perry County:

(a) The Court shall hold regular meetings during the second and fourth weeks in each month of the year, on a day to be determined from time to time, by the Court, and at such other times as are now provided by law.

(b) Each member of the said Court shall superintend the construction and maintenance of all public roads and bridges in his or her district, and shall make such reports of his or her activities to the Court from time to time, as may be necessary to keep the Court informed as to the condition of the public roads and bridges in his or her district.

Section 2. Each member of the Court shall be entitled to receive the sum of One Hundred Dollars a month for the performance of the duties imposed upon him by this Act, which said compensation shall be in lieu of all other compensation heretofore provided for by law, and shall be payable in the same manner and from the same funds as is now provided for by law.

(b) All payments heretofore made for services performed under this Act, are hereby validated and confirmed.

Section 3. This Act shall become effective on the first day of the first month, next after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:43 P.M.

Act No. 357

H. 903—Fite

AN ACT

Relating to counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census; to provide for an expense allowance for the county engineer payable from the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census, the county engineer shall be entitled to receive one hundred dollars (\$100) per month for expenses. Such expense allowance shall be payable in equal monthly installments out of the general fund of the county and shall be in addition to any other compensation or allowance provided by law for such county engineer.

Section 2. This Act shall become effective on the first day of the month beginning after the month in which this Act becomes law.

Approved August 12, 1969.

Time: 5:44 P.M.

Act No. 358

H. 904—Fite

AN ACT

Relating to counties having a population of not less than 14,500 nor more than 14,900, according to the last or any subsequent federal decennial census; to provide for an expense allowance for the members of the county board of equalization payable from the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 14,500 nor more than 14,900, according to the last or any subsequent federal decennial census, the chairman and each member of the county board of equalization shall be entitled to five dollars (\$5.00) a day for expenses for each day's attendance on meetings of the board as provided by law. The expense allowance herein provided for shall be payable from the general funds of the county and shall be in addition to any per diem provided members of the county board of equalization pursuant to law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:45 P.M.

Act No. 359

H. 905—Fite

AN ACT

Relating to counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census; to provide for an expense allowance for the members of the county board of equalization payable from the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census, the chairman and each member of the county board of equalization shall be entitled to five dollars (\$5.00) a day for expenses for each day's attendance on meetings of the board as provided by law. The expense allowance herein provided for shall be payable from the general funds of the county and shall be in addition to any per diem provided members of the county board of equalization pursuant to law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:46 P.M.

Act No. 360

H. 906—Fite

AN ACT

To amend the title and Section 2 of Act No. 65, H. 738, Regular Session 1969, approved June 27, 1969, an Act providing for a travel allowance for the chairman and members of the board of revenue in counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census, so as to increase the travel allowance of the chairman.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 65, H. 738, Regular Session 1969, approved June 27, 1969, an Act providing for a travel allowance for the chairman and members of the board of revenue in counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census, is amended to read as follows:

"An Act, To provide for additional expenses for additional travel for the chairmen and members of the County Boards of Revenue or other County Governing Bodies in counties having a population of not less than 20,100 nor more than 21,850 according to the last federal decennial census and to limit such additional expense payments to \$100.00 per month to the Chairman of such county governing body and to \$100.00 per month to the members thereof, and to provide an expiration date for this Act: and to repeal all laws in conflict therewith."

Section 2. Section 2 of Act No. 65, H. 738, Regular Session 1969, approved June 27, 1969, is hereby amended to read as follows:

"Section 2. In addition to all other expense payments and allowances to chairmen of county Boards of Revenue or other county governing bodies in lieu thereof, they shall be paid the sum of \$100.00 per month for expenses in carrying out the provisions of Section 1 of this Act."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:47 P.M.

Act No. 361

H. 907—Young

AN ACT

To authorize the county governing body of Cleburne County to appropriate a contingent fund out of county funds and to use such fund for purposes not otherwise provided by law and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Cleburne County is hereby authorized and empowered to appropriate out of any moneys in the county treasury not otherwise appropriated, and to expend not exceeding the sum of five thousand dollars (\$5,000.00) per annum for any purposes not otherwise provided for by law, that in their judgment are worthy and for the best interest of the county, the fund hereby authorized to be known as the "Contingent Fund." Provided, however, the expenditures herein provided shall first be authorized by the governing body of the county in a resolution spread upon its minutes.

Section 2. Under the provisions of Section 1, not more than five thousand dollars (\$5,000.00) shall be appropriated and expended in any one year; and should any sum or sums remain unexpended in said fund at the end of the year, only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the Contingent Fund up to the sum of five thousand dollars (\$5,000.00).

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. Act No. 4, H. 1, Regular Session 1945 (Local Acts 1945 p. 3) and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:48 P.M.

Act No. 362

H. 908—Young

AN ACT

Relating to Cleburne County; authorizing the appointment of sheriff's deputies, and authorizing the county governing body to determine number of deputies and their salaries.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Cleburne County is hereby authorized to employ such number of deputies as the county governing body shall prescribe not to exceed four. Each deputy shall receive a salary to be fixed by the county governing body up to a maximum of \$500.00 per month. The salary of each deputy shall be paid from the general fund of the county in the same manner in which other employees of the county are paid.

Section 2. The number of deputies, not to exceed four, shall be determined by the governing body of Cleburne County.

Section 3. All laws or parts of laws which conflict with this Act are repealed, and Act No. 18, Regular Session 1947 (Local Acts 1947 p. 21) is hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:50 P.M.

Act No. 363

H. 910—Robertson, Culver, Brown

AN ACT

To regulate the compensation payable by the county to the stenographic secretary of the district attorney of any circuit in this state composed of one county having a population of not less than 100,000 nor more than 115,000.

Be It Enacted by the Legislature of Alabama:

Section 1. That part of the salary of the stenographic secretary of the district attorney of any circuit composed of one county having a population of not less than 100,000 nor more than 115,000, according to the most recent federal decennial census, payable from the treasury of such county shall be \$400 per month. Such salary shall be paid from the general fund of said county as the salaries of other county officers and employees are paid and shall be such secretary's total salary payable by said county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on the first day of the month beginning after the passage and approval of this Act by the Governor or its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:51 P.M.

Act No. 364

H. 912—Malone, Wright, Owens (W.E.)

AN ACT

Relating to counties having a population of not less than 96,000 nor more than 106,000; providing expense allowances for certain officers in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 96,000 nor more than 106,000, according to the most recent

federal decennial census, the tax collector and tax assessor shall each receive an expense allowance of \$1,500 per annum to be paid out of the general funds of the county in equal monthly installments beginning on the first Monday after the second Tuesday in January 1971, until the expiration of the current term of each officer.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:52 P. M.

Act No. 365

H. 913—Malone, Wright, Owens (W. E.)

AN ACT

Relating to counties having a population of not less than 96,000 nor more than 106,000; fixing the compensation of certain officers in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census, the following officers shall receive compensation as follows:

- (a) for the sheriff, a salary of \$15,000 per annum.
- (b) for the president of the board of revenue a salary of \$15,000 per annum.
- (c) for each associate member of the board of revenue a salary of \$12,000 per annum.
- (d) for the probate judge, a salary equal to \$1,000 per annum less than the total annual compensation of the circuit judges in such counties, which compensation includes state salary, local supplement and expense allowances.
- (e) for the circuit clerk, a salary of \$12,000 per annum.
- (f) for the tax assessor a salary of \$12,000 per annum.
- (g) for the tax collector a salary of \$12,000 per annum.
- (h) for the judge of the county court a salary equal to \$1,000 per annum less than the total annual compensation of

the circuit judges in such counties, which compensation includes state salary, local supplement and expense allowances.

(i) for the coroner a salary of \$4,800 per annum.

(j) for the register in chancery a salary of \$8,500 per annum.

Section 2. The salaries herein provided shall be the entire compensation each officer shall receive for the performance of his official duties, except for actual travel expenses incurred in such performance, and allowance to the sheriff for feeding prisoners or providing for the payment to him of mileage and expense allowances for returning or transferring prisoners and insane persons to points outside the county.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective as to each officer named herein pursuant to the provisions of the Constitution of 1901, Amendment 92.

Approved August 12, 1969.

Time: 5:53 P. M.

Act No. 366

H. 914—Malone, Wright, Owens (W. E.)

AN ACT

Relating to counties having a population of not less than 96,000 nor more than 106,000; increasing the expense allowance of the county judges in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census, from the effective date of this act, until the first Monday after the second Tuesday in January, 1971, each county judge in such counties shall receive an expense allowance of \$1,500, in addition to any allowances currently being paid to such judges. From the first Monday after the second Tuesday in January, 1971, the expense allowance will be set at the amount which will make his total compensation equal to \$1,000 per annum less than the total compensation of the circuit judges in such counties, which compensation includes state salary, local supplement and expense allowances. Such expense allowance shall be paid in equal monthly installments from the general funds of the county, and shall be paid begin-

ning with the month in which this act is effective, until the expiration of the current term of each county judge.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:54 P. M.

Act No. 367

H. 915—Malone, Wright, Owens (W.E.)

AN ACT

Relating to counties having a population of not less than 96,000 nor more than 106,000; fixing the compensation of the officers of the circuit court in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census, the following officers of the circuit court in such counties shall receive compensation as follows:

(a) for each circuit judge, a salary of \$4,100 per annum and an expense allowance of \$900 per annum to be paid from the general funds of the county as a supplement to the state salary.

(b) for the district attorney, a salary supplement payable from the county treasury, which will cause his total annual compensation to be \$1,000 less than the total annual compensation paid to the circuit judges in such counties which compensation includes state salary, local supplement and expense allowances.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective as to each officer named herein upon the expiration of the current term for which each such officer has heretofore been elected.

Approved August 12, 1969.

Time: 5:55 P.M.

Act No. 368

H. 916—Springer, Harris, Cameron

AN ACT

To amend Section 8 of Act No. 432, H. 937 approved August 7, 1961 to regulate the Office of Sheriff in counties of more than 150,000 population and less than 300,000 population according to the last Federal census or any subsequent Federal census; to authorize the Sheriff to appoint an attorney to advise or represent him; to fix the compensation of said attorney to be paid out of the general fund of the County by the Board of Revenue or like governing body; and providing when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 8 of Act No. 432, H. 937 approved August 7, 1961 to read as follows:

“Section 8. That the Sheriff of such County is authorized to employ an attorney to advise or represent him in his official capacity and that the compensation of the said attorney shall be fixed at the sum of \$2400.00 per annum and shall be paid in monthly installments by the County out of the general fund of the said County.”

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:56 P.M.

Act No. 369

H. 917—Springer

AN ACT

To fix the compensation of the judge of probate of all counties having populations of not less than 150,000 nor more than 300,000 according to the 1960 Federal Census; to require such probate judges to pay into the county treasury all costs and charges of court, fees, and commissions authorized to be collected by such probate judges; to provide that the salary herein prescribed shall not affect any expense allowance heretofore provided; and to repeal conflicting laws, including specifically Act No. 312, H. 580, Regular Session 1963 (Acts 1963, p. 792).

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of all counties having populations of not less than 150,000 nor more than 300,000 according to the 1960 Federal Census, shall be entitled to receive an annual salary of fifteen thousand dollars (\$15,000)

payable in equal monthly installments out of the general funds of the county. In all counties to which this Act applies, the probate judge shall pay into the county treasury all costs, charges of court, fees and commissions now or hereafter authorized by law to be collected by such probate judges.

Section 2. The salary herein provided shall not affect any expense allowance heretofore provided for the probate judge in any county to which this Act applies.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed and Act No. 312, H. 580, Regular Session 1965 (Acts 1965, p. 792) is specifically repealed.

Section 4. This Act shall become effective upon its passage and approval by the Governor and upon the expiration of the term of office of the probate judge in all counties to which this Act applies.

Approved August 12, 1969.

Time: 5:57 P.M.

Act No. 370

H. 920—Foshee, Jackson (F)

AN ACT

Relating to counties having populations of not less than 35,500 nor more than 36,500; to provide further for the compensation of certain bailiffs in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the circuit court of any county having a population of not less than 35,500 nor more than 36,500 according to the most recent federal decennial census shall fix the salary of any bailiff appointed by him at a sum not to exceed \$350 per month. Such salary shall be paid monthly out of the general fund of the county on the order of such judge.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:58 P.M.

Act No. 371

H. 921—Jackson (F), Foshee

AN ACT

Relating to Covington County; authorizing the county governing body to make an appropriation for the relief of Ray Bozeman, circuit clerk of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or other like governing body of Covington County is hereby authorized and empowered to appropriate from the county treasury the sum of \$2,421.02 for the relief of Ray Bozeman, circuit clerk of said county, to compensate him for the collecting and remitting of monies to the county under the provisions of Act No. 45, Regular Session 1967, (Acts 1967, p. 62). Said act inadvertently omitted the usual provision for commissions to be paid to the circuit clerk for collecting and remitting monies due the county under its provisions, and the claim of Ray Bozeman is a just, equitable and moral obligation resting upon Covington County, for which there is no remedy at law. The official authorized by law to draw warrants on the county treasury is hereby directed to draw his warrant in favor of Ray Bozeman for the sum of \$2,421.02.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 5:59 P.M.

Act No. 372

H. 922—McCorquodale

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Jackson in Clarke County, Alabama; to exempt the annexed territory or certain parts thereof from ad valorem taxation by the city under certain conditions and to provide that certain police ordinances will not be effective in the annexed territory or certain parts thereof under certain prescribed conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Jackson, in Clarke County, Alabama, are altered, rearranged and extended to include within the corporate limits of the municipality, in addition to all the lands presently so included, the lands lying and being in Clarke County, Alabama, described as follows:

All those portions of Sections 4 and 9 in Township 6 North, Range 2 East not presently included within the corporate limits of said municipality;

All those portions of Sections 32 and 33 in Township 7 North, Range 2 East not presently included within the corporate limits of said municipality;

And entire Sections 15, 22, 29, 30 and 31 in Township 7 North, Range 2 East.

Section 2. All the territory brought within the corporate limits of the City of Jackson under the provisions of this Act shall be exempt from ad valorem taxation by the City of Jackson until such time as the city makes available, furnishes or causes to be furnished to the area or part thereof all the same municipal services, except sanitary sewer services, which it was making available, furnishing or causing to be furnished to residents within the corporate limits of such city immediately prior to the extension of such limits by this Act. Provided, further, all farm or timber land annexed by this Act, the improvements thereon and the appurtenances thereunto appertaining, shall be exempt from all ad valorem taxation by the municipality of Jackson during the time such land is used for farming or timber growing purposes.

Section 3. City ordinances prohibiting the keeping or raising of livestock or prohibiting the discharging of firearms shall not apply to any part of the territory hereby annexed during the time such part of this territory is used for farming and timber growing purposes.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:00 P.M.

Act No. 373

H. 930—Wright, Malone

AN ACT

To apply only in counties having a population of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census; providing for taxing, collecting and remitting circuit court costs by the town or cities located therein, when a case has been appealed from a City Recorder's Court, Mayor's Court, Police Court or any municipal court to the Circuit court in such counties and the

appeal is dismissed and case remanded, and when a town or city permits a defendant to pay a fine and cost to the town or city after transcript on appeal is filed in Circuit Court.

Be It Enacted by the Legislature of Alabama:

SECTION 1. In all counties having a population of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census, each City or Town located therein is required in cases appealed from a City Recorder's Court, Mayor's Court, Police Court or any municipal court to the Circuit Court, to tax and collect the amount of \$13.50 as Circuit Court cost when and if any such city or town allows or permits any defendant to pay any amount of fine and cost to the city or town after transcript of appeal has been filed in Circuit Court and before the date the case is set for trial in Circuit Court. The city or town is required to remit said amount to the clerk of Circuit Court within 60 days from date of collection.

SECTION 2. When a case is appealed from a City Recorder's Court, Mayor's Court, Police Court, or any municipal court of any city or town in said counties to circuit court and the appeal is dismissed and the case is remanded and the defendant does not pay the circuit court costs to the clerk of Circuit Court on the date the appeal is dismissed and case remanded, then the city or town is required to tax and collect the sum of \$13.50 as Circuit Court costs when and if a defendant pays fine and costs to the city or town after the date on which appeal is dismissed and the case is remanded. The city or town is required to remit said amount to the clerk of Circuit Court within 60 days from date of collection.

SECTION 3. All laws and parts of laws both general, special, and local, in conflict with this Act are hereby expressly repealed.

SECTION 4. This Act shall become effective on the first day of the month following its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:01 P.M.

Act No. 374

H. 931—Bassett, Hardin

AN ACT

To create the Inferior Court of Pike County and provide for its jurisdiction and functions, and to abolish the Juvenile Court of Pike

County, the County Court of Pike County, and all criminal and quasi criminal jurisdiction of Justices of the Peace in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established the Inferior Court of Pike County with jurisdiction coextensive with the county of criminal and civil matters as hereinafter provided.

Section 2. (a) Except as provided in subsection (b), the court shall have jurisdiction of civil actions at law in which the matter or sum in controversy does not exceed One Thousand (\$1,000) Dollars and, in addition, shall have jurisdiction in all actions, causes, matters, proceedings and cases (including paternity proceedings and actions for unlawful detainer and for the recovery of possession of land without limitation as to the value of the property involved), heretofore, cognizable before the County Court Juvenile Court and Justices of the Peace. It shall have authority to punish contempts by fine not exceeding \$50.00 or a term in the county jail not exceeding five days, or both. It may adopt and enforce rules and regulations relative to pleadings, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and rules of the Supreme Court governing the practice and procedure of Inferior Courts.

(b) The court shall have and exercise preliminary jurisdiction in felony cases, but the court shall not have jurisdiction to try persons charged with felonies or actions or ejectment or of any matter or proceeding cognizable only in equity; provided, that nothing herein shall be construed to limit or restrict the court in the exercise of the jurisdiction of the Juvenile Court.

(c) No criminal prosecution shall be commenced in such court except by warrant upon sworn complaint issued by the clerk or his deputy or a magistrate (including a Justice of the Peace) or public official of Pike County authorized to issue warrants of arrest.

(d) The provisions of Chapter 7 of Title 13 of the Code of Alabama as the same may from time to time be amended, shall apply in all matters in which the court exercises jurisdiction of the Juvenile Court.

(e) Appeals may be taken from final judgments or final orders of the court as follows: In criminal cases the appeal lies to the Circuit Court of Pike County and shall be governed by the provisions of Section 349 of Title 13, Code of Alabama. An appeal from judgments or orders made by the court in the exercise of jurisdiction of the Juvenile Court lies to the Circuit Court of Pike County and shall be governed by the provisions

of Sections 362, 371 and 372 of Title 13, and Sections 95, 96 and 97 of Title 34, Code of Alabama. In civil cases the appeal lies to the Circuit Court of Pike County, and shall be governed by the provisions of Article 6 of Chapter 8, Title 13, Code of Alabama. In all appeals to the Circuit Court trial shall be de novo.

(f) The County Court of Pike County and the Juvenile Court of Pike County are abolished. All criminal and quasi criminal jurisdiction of Justices of the Peace in Pike County is abolished except jurisdiction to issue search warrants and warrants of arrest returnable to the Inferior Court of Pike County.

(g) In any civil action pending in the Inferior Court of Pike County, if the defendant files a plea of set off or recoupment claiming an amount in excess of \$1,000 or otherwise asserting a cause of action not within the jurisdiction of the court, the judge shall enter an order transferring the case to the Circuit Court of Pike County where the same shall proceed as if originally commenced therein.

(h) The Inferior Court of Pike County shall be a court not of record and the judge shall not be prohibited from engaging in the practice of law.

Section 3. (a) The judge of the Inferior Court of Pike County shall be appointed by the Court of County Commissioners of Pike County, to hold office until September 30, 1970; his successors shall be appointed for terms of four years each beginning October 1, 1970 and every four years thereafter, by resolution of the Court of County Commissioners not less than thirty nor more than sixty days prior to the expiration of the term of the incumbent judge. No person shall be eligible to appointment as Judge of the Inferior Court of Pike County who is not learned in the law and a qualified elector of Pike County. The judge, shall, before entering upon the discharge of the duties of his office, take the oath prescribed by Section 279 of the Constitution of Alabama. He may be removed from office for any cause enumerated in Section 173 of the Constitution. Any vacancy occurring in the office of judge shall be filled by appointment of the Court of County Commissioners of Pike County, such appointment to be for the unexpired term.

Section 4. (a) The judge shall have authority to: (1) grant writs of habeas corpus, certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the judges of Circuit Courts at law; (2) administer oaths and take acknowledgments; (3) issue search warrants; (4) exercise, within the limits of the jurisdiction conferred by this Act, such other powers and authority as may

now or hereafter be conferred by law upon judges of courts of like jurisdiction.

(b) The judge shall be provided, at the expense of the County, with such office supplies, stationery, stamps, and other materials as may be necessary for the transaction of the business of the court.

(c) In the event the judge is disqualified or unable to act a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the Code of Alabama.

(d) The judge shall receive an annual salary of Four Thousand Eight Hundred Dollars (\$4,800.00), payable out of the general fund of the county in equal monthly installments.

Section 5. (a) The court shall be open at all times for the transaction of business. Regular sessions shall be held on the first Tuesday in each month at the Courthouse for the trial of criminal cases, and on the first Thursday in each month at the Court House for the trial of civil actions at law. Special sessions may be held at such times as the judge shall designate. Sessions may continue so long as may be necessary for the court to complete its business. The judge shall be available at all times to receive guilty pleas, assess fines and enter such orders and judgments as may be appropriate.

(b) The sheriff shall attend the regular criminal sessions of the court in person or by deputy and shall attend other sessions when requested by the judge and shall receive the same compensation therefor for which he is now allowed for attending sessions of the County Court. He shall promptly execute all writs and processes of the court and perform such duties as may be directed by the Judge.

Section 6. In civil actions at law, the defendant shall be required to appear and plead, answer or demur, within twenty days from the service of process.

Section 7. All cases in the Inferior Court of Pike County shall be tried and all issues of fact decided by the judge without the intervention of a jury.

Section 8. In civil actions at law it shall be the duty of the clerk to tax, collect and remit the same costs and fees of the sheriff and witnesses and other court costs, including trial tax as now or hereafter allowed by law to be taxed and collected in such actions in the circuit court, except that there shall be taxed as clerk's fees the sum of \$8.00 in each case, such fee to include services in garnishments or judgments in such cases; and in all

criminal cases the same fees and commissions for the services of the clerk, sheriff, solicitor and witnesses and other court costs, including trial tax, as now or hereafter allowed by law to be taxed and collected in the county courts; provided, however, that in criminal cases involving violations of the Rules of the Road or statutes governing the operation of vehicles on public highways or game and fish laws, the clerk shall receive in lieu of all other fees the sum of \$3.00 plus commissions, and, in such case, where the defendant pleads guilty, no solicitors fee and no trial tax other than fair trial tax shall be taxed or collected.

Section 9. The County Solicitor or Deputy District Attorney shall prosecute for the State all criminal cases commenced in said court.

Section 10. The party in whose favor a judgment is rendered shall have all the rights, remedies, and privileges with respect to the registration and enforcement thereof as provided by law with respect to judgments rendered by the circuit court.

Section 11. (a) The Clerk of the Circuit Court of Pike County shall be ex officio clerk and each Deputy Clerk of the Circuit Court of Pike County shall be ex officio a deputy clerk of the Inferior Court of Pike County. The clerk shall have authority to requisition at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. He shall keep a seal, which shall be the official seal adopted by the court.

(b) It shall be the duty of the clerk to keep all the books, papers, files, and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority:

(1) to administer oaths and take acknowledgments and affidavits;

(2) to sign and issue all processes issuing out of the court, including warrants, summonses, subpoenas, writs, executions, commitments, and releases;

(3) to fix bail and approve bonds;

(4) to enter all judgments, orders, and decrees of the court;

(5) to certify all appeals;

(6) to issue certificates of judgment, and

(7) to exercise all powers and authority which are now or may be hereafter conferred on clerks of circuit courts.

(d) The clerk shall attend all sessions of the court in person or by deputy.

Section 12. All cases and actions pending in the County Court of Pike County and in the Juvenile Court of Pike County on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. The Inferior Court of Pike County shall have the same jurisdiction to enforce judgments heretofore rendered by the County Court of Pike County and the juvenile Court of Pike County and all judgments in criminal cases heretofore rendered by Justices of the Peace in Pike County in all respects as though the judgments had been rendered by it. This act shall not apply to nor effect any criminal or quasi criminal case pending in any Justice of the Peace Court of the county on the effective date hereof.

Section 13. The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 14. All laws in conflict with this Act are, to the extent of the conflict, repealed.

Section 15. This act shall take effect on the first day of the month next following the date of its enactment.

Approved August 12, 1969.

Time: 6:03 P.M.

Act No. 375

H. 933—Pearson

AN ACT

Regulating and providing for the payment of the compensation of certain deputies of the Sheriff in Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Autauga County the Chief Deputy Sheriff shall be entitled to a salary not less than \$4,000 nor more than \$6,000 per annum, which shall be fixed and determined by the Board of Revenue and Control, Court of County Commissioners, or other like Governing Body of the County and shall be paid from the County Treasury in the manner prescribed by law.

Section 2. The deputies of the Sheriff, other than the Chief Deputy, whose compensation is payable by the County, not exceeding three in number, shall each be entitled to a salary of not less than \$3,000 nor more than \$5,400 which shall be fixed and determined by the Board of Revenue and Control, Court of

County Commissioners or other like County Governing Body, and shall be paid in equal monthly installments from the County Public Highway and Traffic Fund or the County General Fund, as the Court of County Commissioners, Board of Revenue and Control, or other like Governing Body of the County may direct; in equal monthly installments upon warrants drawn on the County Treasury, in the manner prescribed by law.

Section 3. The Governing Body of Autauga County is further authorized to provide additional expense allowance to the Sheriff's Department which in their discretion is necessary and needed to maintain law and order in Autauga County. Such additional salary and expense allowance shall be paid from the County Public Highway and Traffic Fund or the General Fund of the County as the County Commissioners, Board of Revenue and Control, or other like Governing Body of the County may direct.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:04 P.M.

Act No. 376

H. 934—Pruitt, Manley

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Livingston in Sumter County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Livingston in Sumter County are hereby altered, rearranged and extended so as to incorporate within the corporate limits of the town the following described territory, to wit:

The southwest quarter of Section 33, and the northwest quarter of the southeast quarter of Section 33, Township 19 N, Range 2 West.

The west half of the northwest quarter and the north half of the southwest quarter, west of Klondike Road, in Section 4, Township 18 N, Range 2 West.

The east half of the east half of the northwest quarter and the northeast quarter of Section 5, Township 18 N, Range 2 West, all in Sumter County, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:05 P.M.

Act No. 377

H. 935—Williams

AN ACT

To provide for the compensation of jurors in Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. All grand and petit jurors, serving in Jackson County are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, payable out of the county treasury.

Section 2. All laws and parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on January 1, 1970.

Approved August 12, 1969.

Time: 6:06 P.M.

Act No. 378

H. 936—Williams

AN ACT

To amend Act No. 69, H. 74, Second Special Session 1959 (Acts 1959, p. 238) which establishes the Jackson County Court, in order to regulate further the salary and allowances of the judge of such court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 69, H. 74 of the Second Special Session of 1959 (Acts 1959, p. 238) is hereby amended to read as follows:

"Section 4. The Judge of the court hereby created shall receive a salary of Twelve Thousand (\$12,000.00) Dollars per annum, payable in equal monthly installments out of the County Treasury at the end of each month, his signed receipt being required. Such salary shall include any compensations and allowances presently due such judge."

Section 2. This act shall become effective upon the expiration of the term of office of the judge of the Jackson County Court who is the incumbent in such office when this act becomes law.

Approved August 12, 1969.

Time: 6:07 P.M.

Act No. 379

H. 937—Williams

AN ACT

TO APPLY TO COUNTIES HAVING A POPULATION OF NOT LESS THAN 36,600 AND NOT MORE THAN 37,600 ACCORDING TO THE LAST FEDERAL DECENNIAL CENSUS AND AUTHORIZING THE DEPUTY DISTRICT ATTORNEY OR COUNTY SOLICITOR FOR SAID COUNTIES A FULL TIME SECRETARY AND TO FIX THE SALARY THEREFOR.

Be It Enacted by the Legislature of Alabama:

Section 1. Any Deputy District Attorney or County Solicitor in any county having a population of not less than 36,600 and not more than 37,600 according to the last federal decennial census, who maintains an office in the Courthouse of any such county is authorized a full time secretary who shall be appointed by him and serve at his pleasure.

Section 2. The salary of such secretary will be THREE HUNDRED PER MONTH (\$3,600.00) a year payable monthly out of the general fund of any such county or out of any other funds available therefor.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:08 P.M.

Act No. 380

H. 938—Williams

AN ACT

To provide an additional expense allowance for the members of the county board of education of any county having a population of not less than 36,600 nor more than 37,600 inhabitants according to the 1960 or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of education of any county having a population of not less than 36,600 nor more than 37,600 inhabitants according to the 1960 or any subsequent federal decennial census may receive in addition to all other compensation now provided by law, an expense allowance in such amount as is fixed by the county board of education.

The county board of education in any such county is hereby authorized, in its discretion, to fix and provide for the payment thereof to the members of the county board of education of an expense allowance of not more than \$100 per month which shall be paid out of any funds available for the payment of other salaries for school employees of any such county; and shall be in addition to any and all other compensation and allowances now provided by law for such members.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 12, 1969.

Time: 6:09 P.M.

Act No. 381

H. 939—Crawford, Stembridge

AN ACT

To apply only in Counties having populations of not less than 15,000 nor more than 15,300; fixing the fee for issuance of a pistol permit by the Sheriff; and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

SECTION ONE. In all counties having populations of not less than 15,000 nor more than 15,300 according to the most recent Federal Decennial Census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be \$5.00, which shall be collected by the Sheriff.

SECTION TWO. \$.50 of each such fee collected under Section One of this Act shall be retained by the Sheriff of Henry County, Alabama, as an issuance fee.

SECTION THREE. \$2.50 of each such fee collected under Section One of this Act shall be deposited by the Sheriff of Henry County, Alabama, in any Bank located in Henry County in a fund known as the Sheriff's Fund.

SECTION FOUR. The remaning \$2.00 of each such fee collected under Section One of this Act shall be paid into the General Fund of Henry County, Alabama.

SECTION FIVE. The Sheriff's Fund as provided in Section Three of this Act shall be drawn upon by the Sheriff of Henry County, Alabama, or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the Sheriff's office as he sees fit.

SECTION SIX. Should any word, phrase, clause, section or part of this Act be held to be unconstitutional by any Court of competent jurisdiction, it shall not affect the remainder of this Act.

SECTION SEVEN. All laws or parts of laws which conflict with this Act are repealed.

SECTION EIGHT. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:10 P.M.

Act No. 382 H. 941—Cook (Jeff.), Bowers, Meeks, Waggoner, Holman, Kilgore, Jackson (T), Gloor, Adwell, House, Sessions, Dill, Crane, Cherner, Gafford

AN ACT

For the relief of Bertha Mae Rhodes, individually and as Guardian for Douglas Clell Rhodes and Cathy Ann Rhodes, the widow and minor children of Clell Rhodes, an employee of Jefferson County, who died on September 22, 1965, as the proximate result of injuries sustained while engaged within the scope of his duties as an employee of Jefferson County, and to provide for the payment of Three Thousand Dollars (\$3,000.00) for such relief out of such moneys and funds as may be constitutionally available.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Commission of Jefferson County, Alabama be and it hereby is authorized and directed to pay the following sums to the following parties as the widow and children, respectively, of Clell Rhodes, an employee of Jefferson County who died on September 22, 1965 as the proximate result of injuries received by him in a motor vehicle collision on United States Highway 31 North in Kimberly, Jefferson County, Alabama, when the County truck he was driving was involved in a collision with another motor vehicle without fault or negligence on the part of said Clell Rhodes and while he was engaged within the scope of his duties as an employee of Jefferson County:

(a) The sum of One Thousand Dollars (\$1,000.00) to Bertha Mae Rhodes, his widow.

(b) The sum of One Thousand Dollars (\$1,000.00) to Bertha Mae Rhodes as Guardian of Douglas Clell Rhodes, a minor, and a son of the said Clell Rhodes.

(c) The sum of One Thousand Dollars (\$1,000.00) to Bertha Mae Rhodes as Guardian of Cathy Ann Rhodes, a minor, and a daughter of said Clell Rhodes.

Said sums to be paid out of such moneys and funds as may be constitutionally available.

Section 2. This Act shall become effective immediately upon its passage and upon approval by the Governor, or its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:11 P.M.

Act No. 383

H. 945—Lybrand, Merrill, Burgess

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the City of Oxford, Calhoun County, Alabama, so as to annex certain territory to the City.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Oxford, Calhoun County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the City the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

That part of Section 22, Township 16, Range 8, Calhoun County, Alabama, lying North of U.S. Highway #78, West of

Lee Brothers Road, South of Southern Railway and East of Oconee Cemetery.

SW $\frac{1}{4}$ of Section 34, Township 16 South, Range 8 East, situated in Calhoun County, Alabama, and consisting of 160 acres.

South Half of the SE $\frac{1}{4}$ and the SE diagonal one half of the North $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 33, Township 16 South, Range 8 East, LESS 20 acres on the West end situated in Calhoun County, Alabama, consisting of 105 acres.

All that land lying North of I 20 and South of Highway 78, being 200 acres, more or less, in Sections 27 and 28, Township 16 South, Range 8 East, Calhoun County, Alabama, and

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:12 P.M.

Act No. 384

H. 946—Merrill, Lybrand, Burgess

AN ACT

To provide for the government and control by civil service regulations of certain employees of the sheriff's department of Calhoun County, Alabama, and to provide for a civil service board in said county and to fix its duties, authority, powers, and method of compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. EMPLOYEES AFFECTED AND EXCEPTIONS.—All employees of the sheriff's department of Calhoun County, Alabama, shall be selected and hold their positions pursuant to this Act, with the exception of the chief deputy.

Section 2. CIVIL SERVICE SYSTEM.—All employees of the sheriff's department of Calhoun County, Alabama, subject to the exception contained in this Act, must and shall be under and governed by civil service regulations under the direction and supervision of a board as hereinafter provided, and all persons subject to this Act, who may hereafter be employed by the sheriff's department of Calhoun County, shall thereafter remain and continue in their respective employment during good behavior, efficiency and obedience to such rules and regulations as may, from time to time, be prescribed by the civil service board, which is herein provided for, and as is hereafter provided. Nothing herein contained shall be construed to prevent

or preclude the removal of any employee of the sheriff's department of Calhoun County, in the manner hereafter prescribed.

Section 3. DEFINITIONS.—The word “employee,” as used herein, shall mean any deputy sheriff, clerk, jailer, matron or other person regularly employed by the sheriff's department of Calhoun County in a regular job or position; and whether said “job” or “position” is a regular job or position shall be determined by the civil service board. This Act shall not apply to persons employed temporarily or for special purposes by the sheriff's department of Calhoun County. The word “board” or words “civil service board” wherever used in this Act shall mean the Civil Service Board of Calhoun County.

Section 4. CIVIL SERVICE BOARD.—There is created the Civil Service Board of Calhoun County, which shall be composed of three members designated respectively as Member No. 1, Member No. 2, and Member No. 3, each of whom shall be over twenty-five years of age, of recognized character and ability, and an actual resident in and a qualified elector of said county. No person shall be eligible to be or continue a member of the board who holds a civil office of profit under the State, county, or any city. Immediately after the passage and approval of this Act or its otherwise becoming law, the Governor shall appoint three persons to serve as members of the first civil service board of Calhoun County, and when making such appointments he shall designate the number of the membership on such board to which each member is appointed. Such appointments shall be upon nomination in writing by members of the Calhoun County legislative delegation, as follows: each member of the delegation may submit not more than three nominations for each place to be filled and the appointment or appointments, shall be made from among those persons thus nominated; if the same person is nominated by all members of the delegation, the person thus nominated shall be nominated; if the legislative delegation is divided, the nominee favored by the majority shall be appointed. If no person receives a majority nomination, each member of the legislative delegation may forthwith submit in writing an additional nominee until some person receives a majority nomination and such person shall be forthwith appointed. The members so appointed shall take office on the date this Act becomes effective, pursuant to Section 26 hereof and shall hold office for the following terms: Member No. 1 from such effective date of this Act until May 15, 1971, and until his successor is appointed and has qualified; Member No. 2 from such effective date of this Act until May 15, 1973, and until his successor is appointed and has qualified; and Member No. 3 from such effective date of the Act until May

15, 1975, and until his successor is appointed and has qualified. Their successors shall be appointed by the Governor of Alabama, in the same manner as original appointments; and shall respectively hold office for terms of six years, beginning on the fifteenth of May of the appropriate odd-numbered year, and until their successors shall be appointed and qualified. Vacancies occurring from death or resignation shall be filled by the Governor in the same manner as original appointments. A vacancy on the board shall be filled by appointment for the unexpired term. Any member of said board whose term shall expire shall be eligible for reappointment. The board shall meet in the Court House during January, April, July and October on a day and at an hour to be fixed by its rules and regulations, and as much more often as shall be necessary for the orderly dispatch of its business. Two members of said board shall constitute a quorum. Any member of the board desiring to become a candidate for public office shall first resign as a member of said board and in the event said member fails to resign and becomes a candidate for public office, then the office of said member on said board shall become immediately vacant and it shall be the duty of the probate judge of Calhoun County to notify the Governor of such vacancy.

Section 5. QUALIFICATION BY MEMBER.—Every person who shall be appointed a member of such civil service board of Calhoun County according to the provisions of this Act, shall within fifteen days thereafter qualify by making oath that he is eligible for said office and will execute the duties of the same according to the best of his knowledge and ability. Such oath shall be administered by any person authorized to administer oaths, and same shall be reduced to writing and a copy thereof filed in the office of the probate judge of Calhoun County.

Section 6. POWERS OF THE BOARD.—The board shall make rules and regulations, to carry out the purposes of this Act, and for examinations, appointments and removals in accordance with its provisions, and the board may, from time to time, make changes in the existing rules. The sheriff of Calhoun County shall recommend for promotion such person or persons as the occasion may call for to fill any vacancy or vacancies that may occur in the sheriff's department. All such vacancies shall be filled and all such promotions shall be made by the board. The board may make rules and regulations relating to the eligibility for promotion. The board shall have power to appoint personnel necessary for its work and to delegate to such personnel such duties and powers as may be practicable. The board shall: 1) classify the different types of service to be performed in the sheriff's department; 2)

prescribe qualifications, including those of education, training and experience, for the appointees and incumbents of each class; 3) subject to approval by the county governing body, fix a maximum and a minimum salary for each class; and 4) allocate each position in the service of the sheriff's department to its proper class. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations and leaves of absence, and the severance of an employee's relationship with the county shall be in accordance with such rules and regulations. Except in connection with a reduction in force, demotions, suspensions, discharges, and removals herein provided for, or a general decrease in the salary of all employees, no employee's regular salary or compensation may be reduced without approval of the board. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the board shall not examine, any person who has been convicted of a felony or an offense involving moral turpitude, or any person who is not a citizen of the United States. In the event a reduction in force becomes necessary in the sheriff's department of the county, the order of layoff shall be inverse to the order of appointment.

Section 7. APPLICATIONS FOR EMPLOYMENT.—All persons seeking employment with the sheriff's department of Calhoun County or who have been recommended for employment by the sheriff shall file their applications with the civil service board of Calhoun County. Applications shall be on forms furnished by the board, and all applicants shall be subject to examination, which shall be public, competitive, and open to all citizens of the United States, with specified limitations as to age, residence, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge intelligently the duties of the position to which they aspire. The board shall control all examinations, and whenever an examination is to take place shall conduct such examination or arrange for the examination to be conducted by an appropriate person or persons. Each applicant for examination shall pay to the clerk of the county governing body of Calhoun County the sum of five dollars. And his receipt therefor shall be attached to his application. All moneys derived from examination fees shall be deposited in the county treasury and used for defraying expenses of establishing and maintaining the civil service system hereby provided.

Section 8. VACANCIES IN SHERIFF'S DEPARTMENT AND PROBATIONARY PERIOD.—The sheriff of Calhoun

County shall notify the civil service board of Calhoun County, of vacancies in his department and the board shall furnish the sheriff with the names and addresses of three candidates from the appropriate eligible list, from which three candidates the sheriff may select the person or persons to receive the appointment or appointments to fill such vacancy or vacancies. All appointees shall be on probation for a period of six months from the date of appointment. Before the expiration of the period of probation, the head of a department or office may, by and with the consent of the board, discharge any probationer in his respective department or office upon assigning in writing his reasons therefor to the board. If a probationer be not discharged before the expiration of his probation, his appointment shall be deemed complete.

Section 9. TEMPORARY EMPLOYEES.—The civil service board of Calhoun County may in an emergency, or in cases where it deems proper, authorize the sheriff to appoint for temporary employment such number of employees as said board may deem proper for the occasion. Said temporary employment shall not exceed a period of sixty days, but in cases of emergency the board may further authorize an additional temporary employment for an additional sixty days, after the lapse of the first sixty days.

Section 10. REMOVALS AND DISCHARGES.—The sheriff can remove, discharge, or demote any deputy or other employee of the sheriff's department who is subject to the provisions of this Act, provided that within five days a report in writing of such action is made to the board, giving the reason for such removal, discharge, or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the board. The board shall thereupon order the charges or complaint to be filed forthwith in writing and shall hold a hearing *de novo* on such charges. No deputy or other permanent employee of the sheriff's department of Calhoun County whose employment comes within the jurisdiction of this Act, and whose probationary period has been served, shall be removed, discharged, or demoted except for cause, and if such removal, discharge, or demotion is appealed to the board, then the same will become final only after a hearing upon written charges or complaint has been had and after an opportunity has been given him to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended or demoted; and after such hearing the board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law.

Charges may be filed by any resident citizen of the county as follows: the charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before a member of the board or before a person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. If in the judgment of the board such charges are of a minor nature, such charges may be referred by the board to the sheriff who shall make an investigation of the charges and make his recommendation to the board as to what disciplinary action, if any, should be taken. After such recommendation is made by the sheriff and after due notice is given to the affected employee of the receipt of such recommendation and the contents thereof, the board may, in its discretion, adopt and order executed the action recommended by the sheriff or his deputies. However, if the complainant or the affected employee, or both of them, objects to the recommendation of the sheriff, the board shall hold a public hearing *de novo* on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law.

All hearings before the board shall be open to the public, provided that when a written waiver of a public hearing, signed by the complainant and the affected employee, is filed with the board, the public may, in the discretion of the board, be excluded. All testimony given in all hearings before the board shall be taken down in shorthand by a stenographer. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case.

In all proceedings before the board, the county attorney may appear and prosecute all charges instituted by the county governing body or any member thereof or by the sheriff when requested or directed to do so by such county governing body. It shall not be the duty of the county attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the county attorney may appear and represent the interests of the county, and he shall also give such legal advice and legal assistance to the board as may be requested by it.

Section 11. REVIEW OF DECISIONS AND APPEALS.
—Any party, including the county governing body, aggrieved by a final decision of the board, is entitled to a review of such decision by filing a petition in the Circuit Court of Calhoun County within thirty days after such final decision is rendered. Upon the filing of any such petition, notice thereof shall be served upon the chairman of the board by the petitioner. Such

petitioner shall be heard by the court at the earliest practicable date. Review by the court shall be without a jury and confined to the record, including a transcript of the evidence. The court may, upon such terms and conditions as it shall deem proper, at any time before the hearing of the petition, permit the taking of additional evidence before the board and allow modification of the board's findings and final decision. The court, upon a hearing of the petition, shall have power to affirm or reverse and render or to remand the matter to the board for further proceedings consistent with the judgment of the court. However, the court shall affirm the decision of the board unless it finds that the substantial rights of the petitioner have been prejudiced because the final decision of the board was: 1) unsupported by substantial evidence in the record submitted; 2) in excess of the authority conferred by this Act on the board; 3) violative of constitutional provisions; 4) arbitrary or capricious; or 5) affected otherwise by substantial error or injustice. An appeal may be taken from any final judgment of such court to the Court of Appeals of Alabama or the Supreme Court of Alabama as now provided by law.

Section 12. POWER OF THE BOARD TO EXAMINE RECORDS.—The said civil service board of Calhoun County shall have access to all files, records, and data concerning the sheriff's department and offices or services under the sheriff's supervision, and on request to the sheriff it shall be furnished all records which said board desires to examine.

Section 13. POWER OF BOARD—INVESTIGATION.—In the course of an investigation by the board, any member thereof shall have the power to administer oaths, and each member shall have the power to secure by subpoena both the attendance and testimony of witnesses, and the production of all books and papers relevant to such investigation as herein provided.

Section 14. CHAIRMAN OF BOARD AND TIME OF MEETING.—The civil service board of Calhoun County shall elect one of its members as chairman who shall hold office as such chairman at the pleasure of the board. The said board shall hold regular meetings on the third Mondays in January, April, July, and October for the transaction of business and may hold special, adjourned or called meetings at any time. All such meetings of the board shall be held in the Court House of Calhoun County, unless otherwise provided by said board.

Section 15. RECORDS OF BOARD.—The board shall keep minutes of its meetings and records of all business transacted by it at each and every meeting. All such minutes and records shall be open for inspection at any reasonable time. The

clerk of the county governing body of Calhoun County shall act as the custodian of the records of the civil service board and will furnish such clerical assistance as may be requested of him by the board.

Section 16. COMPENSATION.—The compensation of each member of the civil service board of Calhoun County shall be six hundred dollars per annum, payable quarterly by Calhoun County. The governing body of Calhoun County shall provide for the salaries and expenses of the civil service board, and shall provide in its annual budget an estimated appropriation sufficient to cover the salaries and expenses of such board.

Section 17. POLITICAL ACTIVITIES PROHIBITED.—No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position. No employee and no member of the board shall directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription or contribution of any employee. No employee shall be a member of any national, state, or local committee of a political party, or an official of a partisan political club, or a candidate for nomination or election to any public office, nor shall he take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any employee under the jurisdiction of this Act, who violates any of the foregoing provisions of this section shall forfeit his office or position or shall suffer such other disciplinary punishment as the board may direct.

Section 18. PROHIBITION OF PUNISHMENT OR REWARD FOR POLITICAL ACTIVITY.—Neither the sheriff of Calhoun County, nor any employee of the sheriff's department shall in any wise undertake or threaten to degrade, discharge or promote, or in any manner change the official position or pay of any employee, officer or official, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money or any valuable thing for any party or for any political purpose whatsoever. No employee of the sheriff's department of Calhoun County who is subject to the provisions of this Act shall receive any promotion as a reward for his support of any candidate or political party. No employee of the sheriff's department of Calhoun County subject to the

provisions of this Act shall be reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 19. RECOMMENDATIONS FOR APPLICANTS.—No recommendation by any officer or official, whether said officer or official be a city, county, state or national officer or official, shall be considered by any person concerned in any examination or appointment under this Act, except to the general moral character of the applicant.

Section 20. PENALTIES — RE-EMPLOYMENT.—Any person in the service of the sheriff's department of Calhoun County, by appointment under civil service rules who shall wilfully, or through culpable negligence, violate any of the provisions of this Act, and who shall be found guilty after a trial before the civil service board shall be dismissed from the service of said county, and shall not be subject to reappointment for two years.

Section 21. PENALTIES—CRIMINAL.—Any employee of the sheriff's department of Calhoun County, other than those holding under the civil service rules, who shall wilfully or through culpable negligence, violate any of the provisions of this Act, shall be guilty of a misdemeanor, and on conviction shall be fined a sum not less than fifty dollars, nor more than five hundred dollars, unless same be otherwise provided herein. Any other person who shall wilfully, or through culpable negligence violate any of the provisions of this Act shall be guilty of a misdemeanor, and shall on conviction be punished by a fine in the sum of not less than fifty dollars and not exceeding five hundred dollars.

Section 22. APPLICATION TO PRESENT EMPLOYEES.—Every deputy or other employee of the sheriff's department of Calhoun County, subject to the provisions of this Act, who is such at the time this Act goes into effect shall each remain in his or her respective employment and shall not be subject to a probationary period and shall not be required to stand an examination before the civil service board in order to retain such present position; and such employees, except for appointment, shall be subject fully to the provisions of this Act.

Section 23. PRINTING REGULATIONS AND POWER OF BOARD TO PRESCRIBE REQUIREMENTS OF APPLICANTS.—The civil service board shall, within ninety days from the appointment of the members thereof, draw and have printed such rules and regulations for the government and regulation of the employees of the sheriff's department, subject to this Act, in accordance with the provisions of this Act, as may seem necessary. The board shall have the power to fix the maximum

and minimum age limits of applicants for examinations, and may specify the weight, height and other requirements and qualifications required of all applicants. Such rules and regulations shall be available for anyone to see and examine same who cares to do so.

Section 24. SEVERABILITY.—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. REPEALER.—All laws or parts of laws which conflict with this Act are hereby repealed.

Section 26. EFFECTIVE DATE.—This Act shall become effective on the first day of the second month beginning after its passage and approval by the Governor or its otherwise becoming law.

Approved August 12, 1969.

Time: 6:13 P.M.

Act No. 385

H. 959—Foshee, Jackson (F)

AN ACT

Relating to the Geneva County Inferior Court; to provide further for the civil jurisdiction of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. The Geneva County Inferior Court established pursuant to Act No. 538, H. 1009, Regular Session 1939 (Local Acts 1939, p. 329) shall have, in addition to the jurisdiction now authorized by law, jurisdiction concurrently with the circuit court of matters, suits and actions of law in amounts of not more than \$1,500.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:14 P.M.

Act No. 386

H. 960—Foshee, Jackson (F)

AN ACT

To amend Act No. 151, H. 190, Special Session 1962 (Acts 1962, Special Session, p. 195) so as to increase the compensation of the judge of the Inferior Court of Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 151, H. 190, Special Session 1962 (Acts 1962, Special Session, p. 195) is hereby amended to read as follows:

"Section 1. The judge of the Inferior Court of Geneva County shall receive a salary of \$10,000 per annum payable in equal monthly installments out of the general fund of the county upon the warrant of the probate judge. Such warrant shall be a preferred claim against the general fund."

Section 2. This Act shall become effective upon the expiration of the term of the incumbent judge of the Geneva County Inferior Court.

Approved August 12, 1969.

Time: 6:15 P.M.

Act No. 387

H. 969—Agee, McCorquodale

AN ACT

Relating to all counties having populations of not less than 15,300 nor more than 15,400 according to the most recent federal decennial census; fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,300 nor more than 15,400 according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about a person as provided in Code of Alabama Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff and deposited in the county treasury. Four-fifths of the amount of each fee shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for emergency purposes, in such amounts as may be determined by the court of county commissioners, board of revenue, or other like governing body of the county; the remaining part of each fee collected shall be credited to the general funds of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:16 P.M.

Act No. 388

H. 976—Fite

AN ACT

Relating to all counties having populations of not less than 14,500 nor more than 14,900, according to the last or any subsequent federal decennial census; providing for the payment by the county of expense allowances for members of the jury commission in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 14,500 nor more than 14,900, according to the last or any subsequent federal decennial census, each member of the jury commission shall receive five dollars (\$5) per day as expenses for the time actually engaged in the discharge of his duties as such member. The expense allowance provided for herein shall be payable from the general funds of the county upon the warrant of the probate judge or other presiding officer of the county governing body and shall be in addition to all other allowances or compensation prescribed by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:17 P.M.

Act No. 389

H. 977—Fite

AN ACT

Relating to counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census; authorizing the county board of education to provide the superintendent of education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer by the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census, the county board of education is hereby authorized to provide the superintendent of education an annual expense allowance of twelve hundred dollars

(\$1200). Such expense allowance shall be in addition to any and all other salary, compensation or allowances now provided for such officer by the county governing body.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:18 P.M.

Act No. 390

H. 978—Fite

AN ACT

Relating to all counties having populations of not less than 14,500 nor more than 14,900 according to the last or any subsequent federal decennial census; providing for the payment by the county of expense allowances for members of boards of registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 14,500 nor more than 14,900, according to the last or any subsequent federal decennial census, each member of the board of registrars shall receive five dollars (\$5) per day as expenses, to be paid by the county on order of the presiding officer of the county governing body, for each day's attendance of the registrar upon the sessions of the board. The expense allowance provided for herein shall be payable from the general funds of the county and shall be in addition to the compensation of the registrars payable by the State as prescribed in Code of Alabama 1940, Title 17, Section 24 and Act No. 531, S. 101, Regular Session 1947 (Acts 1947, p. 388), as amended.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:13 P.M.

Act No. 391

H. 987—Crawford, Stembridge

AN ACT

Relating to counties having a population of not less than 15,000 nor more than 15,300; to increase the compensation of members of boards of registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 15,000 nor more than 15,300, according to the most recent federal decennial census, the members of the boards of registrars shall receive an additional compensation of \$5.00 per day for each day the board of registrars is in session. This compensation shall be paid from the general funds of the county and shall be in addition to any compensation now being paid to members of said board of registrars.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:14 P.M.

Act No. 392

H. 988—Crawford, Stenbridge

AN ACT

Relating to counties having a population of not less than 15,000 nor more than 15,300; to increase the compensation of members of the jury commission in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 15,000 nor more than 15,300, according to the most recent federal decennial census, each member of the jury commission in such counties shall be paid fifteen dollars per day for the time actually engaged in the discharge of his official duties. This compensation shall be paid from the general funds of the county in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed. Act No. 386, H. 809, Regular Session 1961 (Acts 1961, p. 400) is hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:15 P.M.

Act No. 393

H. 1003—Merrill, Lybrand, Burgess

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Piedmont in Calhoun County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the city of Piedmont in Calhoun County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within such corporate limits of the city, a tract of land more particularly described as follows:

That part of Fraction "D" of Fractional Section 8 Twp 13 S, Rn 10 E that is now situated South of the present City Limits (1.0 Mile Radius) and described as follows:

From the Southeast corner of Fraction "D" Fractional Section 8 Twp 13 S, Rn 10 E thence Northerly along the East line of said Fraction "D" a distance of 420 feet to the present City Limits curve having a radius of 1.0 mile, thence Northwesterly along the said curve of City Limits to the West line of said Fraction "D" thence Southerly and along the West line of said Fraction "D" a distance of 815 feet to the Southwest corner of Fraction "D", thence Easterly along the South line of said Fraction "D" to the point of beginning.

That part of Fraction "C" Fractional Section 8 Twp 13 S, Rn 10 E that is situated South of the present City Limits (1.0 Mile Radius) and described as follows:

From the Southeast corner of Fraction "C" Fractional Section 8, Twp 13 S, Rn 10 E thence Northerly along the East boundary of said Fraction "C" a distance of 325 feet to the present City Limits (1.0 mile radius) thence Westerly along the curve of the 1.0 mile Rad. City Limits to the West line of said Fraction "C", thence Southerly and along the said West line of Fraction "C" a distance of 420 feet to the Southwest corner of said Fraction "C", thence Easterly and along the South line of said Fraction "C" to the point of beginning.

That part of Fraction "B" Fractional Section 8, Twp 13 S, Rn 10 E situated South of the present City Limits and described as follows:

From the Southeast corner of Fraction "B" Fractional Section 8, Twp 13 S, Rn 10 E, thence Northerly along the East line of said Fraction "B" a distance of 515 feet to the present City Limits (1.0 mile radius) curve, thence Southwesterly

along the 1.0 mile radius curve of the present City Limits to the West line of said Fraction "B", thence Southerly and along the said West line of Fraction "B" a distance of 325 feet to the Southwest corner of said Fraction "B", thence Easterly along the South line of said Fraction "B" to the point of beginning.

All of the SE $\frac{1}{4}$ -SW $\frac{1}{4}$ Section 8, Twp 13 S, Rn 10 E.

All of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$ Section 8, Twp 13 S, Rn 10 E.

All of the NE $\frac{1}{4}$ -NW $\frac{1}{4}$ Section 17, Twp 13 S, Rn 10 E.

All of the NW $\frac{1}{4}$ -NE $\frac{1}{4}$ Section 17, Twp 13 S, Rn 10 E.

From the point of intersection of the Southeast right-of-way of the Southern Railway and the South line of Fractional Section 33, Twp 12 S, Rn 10 E, thence Northeasterly along said right-of-way, 50 feet from and parallel to the center of Railway Tracks, a distance of 650 feet to the East line of Fraction 21 Fractional Section 33, Twp 12 S, Rn 10 E, thence Northerly along the said East line of said Fraction 21 a distance of 41.8 feet, which point is 244.2 feet North of the Southeast corner of said Fraction 21, thence an angle of 55°-25' left a distance of 1485 feet, which point is 60 feet East of the Northwest corner of Fraction 21, thence continue on the same bearing Northwesterly from said North line of Fraction 21 and the South line of Fraction 20 Fractional Section 33 Twp 12 S Rn 10 E a distance of 80 feet to the West line of said Fraction 20, which point is 52.9 feet North of the Southwest corner of said Fraction 20, thence South along the West line of said Fraction 20 to the Southwest corner, which is the Northeast corner of Fraction 24 Fractional Section 32, Twp 12 S, Rn 10 E, thence Westerly along the North line of said Fraction 24 to the Northwest corner thereof, thence Southerly along the West line of said Fraction 24, a distance of 100 feet to the present City Limits (1.0 Mile Radius) thence Southeasterly along the curve of the present City Limits to the point of beginning.

From the Southeast corner of Fraction 7 Fractional Section 32, Twp 12 S, Rn 10 E thence Northerly along the East line of said Fraction 7 a distance of 350 feet, thence Westerly and parallel to the South line of said Fraction 7 to the West line of Fraction 7, thence Southerly along the West line of said Fraction 7 a distance of 350 feet to the Southwest corner of said Fraction 7, thence Easterly along the South line of said Fraction 7 to the point of beginning.

From the Southeast corner of Fraction 15 of Fractional Section 32 Twp 12 S, Rn 10 E, thence Northerly along the East line of said Fraction 15 to the Northeast corner of said Fraction

15, thence Westerly along the North line of said Fraction 15 a distance of 541 feet to the East side of the Shady Grove Road, thence Southerly along the East side of said Shady Grove Road to the South boundary of said Fraction 15, thence Easterly along the South boundary of said Fraction 15 a distance of 950 feet to the point of beginning.

Fraction 9 Fractional Section 32 Twp 12 S, Rn 10 E.

Fraction 10 Fractional Section 32, Twp 12 S, Rn 10 E.

Fraction 16 Fractional Section 32 Twp 12 S, Rn 10 E.

Fraction 17 Fractional Section 32 Twp 12 S, Rn 10 E.

From the Southeast corner of Fraction 13 Fractional Section 31, Twp 12 S, Rn 10 E, thence Northerly along the East boundary of said Fraction 13 to the Northeast corner of said Fraction 13, thence Westerly along the North line of said Fraction 13 a distance of 951.2 feet, thence Southerly and parallel to the West line of said Fraction 13 a distance of 210 feet, thence Westerly and parallel to the North line of said Fraction 13 a distance of 210 feet, thence Southerly and parallel to the West line of said Fraction 13 a distance of 630 feet, thence Easterly and parallel to the South line of said Fraction 13 a distance of 35 feet, thence Southerly and parallel to the West line of said Fraction 13 a distance of 533.4 feet to the South line of said Fraction 13, thence Easterly and along the South line of Fraction 13 to the point of beginning.

All of said territory lying and being in Calhoun County.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:16 P.M.

Act No. 394

H. 1017—Stembridge, Crawford

AN ACT

To regulate the compensation of jurors in counties having populations of not less than 50,000 nor more than 54,000.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 50,000 nor more than 54,000 according to the most recent federal decennial census, jurors, grand and petit, shall each be entitled to \$10 for each day's service, ten cents for each mile

traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and shall be payable out of the county treasury.

Section 2. All laws or parts of laws, general, special, or local, in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:17 P.M.

Act No. 395

H. 1023—Tuck

AN ACT

Relating to counties having a population of not less than 21,850 nor more than 21,950; increasing the salary of the deputy solicitor in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census, the salary of the deputy solicitor in such county shall be \$3,600 per year, payable from the general funds of the county in equal monthly installments.

Section 2. All laws, general, local or special, or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:18 P.M.

Act No. 396

H. 1025—Hardin

AN ACT

Relating to counties having populations of not less than 24,525 and not more than 24,675; relieving the board of registrars of such counties from the duty of visiting precincts or voting places in the performance of their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the boards of registrars in all counties in this State having populations of not less than 24,525 and not more than 24,675 according to the most recent federal decennial census are relieved of visiting the precincts and voting places in the performance of their official duties as provided in Code of Alabama 1940, Title 17, Section 26 as amended; and in lieu thereof shall meet for the purpose of registration of voters at the court house sixteen days and in the other incorporated towns of the county fourteen days, dividing the fourteen days equally between such towns.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:19 P.M.

Act No. 397

H. 1026—Shumate, Dobbs

AN ACT

Relating to counties having populations of not less than 51,000 nor more than 56,000; authorizing appropriations from the treasury of any such county for the relief of C. F. Pruitt and Quillian Benson.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to counties having populations of not less than 51,000 nor more than 56,000 according to the most recent federal decennial census.

Section 2. The board of revenue, court of county commissioners or other like governing body of any such county is hereby authorized and directed to pay out of any available funds in the county treasury the sum of \$442.00 for the relief of C. F. Pruitt for damages sustained when his automobile fell through a county bridge, and the sum of \$150.00 for the relief of Quillian Benson, for property damages sustained when a county vehicle wrecked his automobile. The Legislature finds that such county is morally obligated to pay such damages but C. F. Pruitt and Quillian Benson have no recourse at law to cover same.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:20 P.M.

Act No. 398

H. 1027—Pruitt, Manley

AN ACT

Relating to Perry County; relieving the board of registrars of the county from the duty of visiting precincts or voting places in the performance of their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of Perry County are relieved of the duty of visiting the precincts and voting places in the performance of their official duties as provided in Code of Alabama 1940, Title 17, Section 26, as amended; and in lieu thereof shall meet, for the purpose of registering voters, at the courthouse and in the other incorporated towns of the county for such number of the allotted days at each place as they deem reasonable.

Section 2. All laws of parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:21 P.M.

Act No. 399

H. 78—Cook (Jefferson), House, Waggoner, Meeks, Beck, Meade, Dobbs, Cook (Coffee), Williams, McElhaney, Bowers, Adwell, Owens (W.E.), Watkins, Holman, Crane, Bank, Money, Pruitt, Cherner, Drake, Tuck, Burgreen, Gloor, Jackson (Jefferson), Ellis, Gafford, Culver, Brassell, Higginbotham, Sessions, Yelding, Weeks, McLain, Grainger, Laxson, Kilgore, Robertson, Lybrand, Wright, Holladay, Graham, Collins (W), Perloff, Snell, Harris

AN ACT

To provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act.

Be It Enacted by the Legislature of Alabama:

SECTION I

This Act shall be known and may be cited as the "Alabama Surface Mining Act of 1969."

SECTION II

GENERAL INTENT AND PURPOSE

The objective of this Act is to provide for the safe and reasonable reclamation of lands upon which surface disturbances will be created by certain types of surface mining so as to protect the taxable value of property and preserve natural resources within the state and to protect and promote the health and safety of the people of this state, consistent with the protection of physical property and with maximum employment and the economic and industrial wellbeing of the state.

SECTION III

DEFINITIONS

Unless clearly indicated otherwise by the context, the following terms when used in this Act, for the purpose of this Act, shall have the meanings respectively ascribed to them in this section:

A. *Affected Land* means the area of land from which overburden has been removed or upon which overburden has been deposited, after the effective date of this Act.

B. *Contiguous* means in actual contact, touching, as contrasted with being near but not in contact.

C. *Department* means the Department of Industrial Relations of the State of Alabama or such department, bureau, or commission as may lawfully succeed to the powers and duties of such Department relating to mining operations.

D. *Direct Seeding* means the seeding of seeds by hand sowing, machine sowing, or areo-seeding.

E. *Director* means Director of the Department of Industrial Relations of the State of Alabama or such officer, bureau, or commission as may lawfully succeed to the powers and duties of such Director.

F. *Inspector* means any authorized employee of the Department of Industrial Relations of the State of Alabama under the direction of the Director.

G. *Operator* means any person, firm, partnership, association, or corporation engaged in or controlling one or more surface mining operations.

H. *Overburden* means all off the earth and other materials which lie above natural deposits of coal, clay, sand, gravel, ores, and other minerals except limestone, marble, and dolomite, and also means such earth and other materials disturbed from their natural state in the process of surface mining.

I. *Peak* means a projected point of overburden created in the process of surface mining.

J. *Permit Period* means a one-year period commencing on the issuance of a permit to engage in surface mining.

K. *Person* means any natural person, firm, corporation, association, partnership, joint venture, or representative of any kind, or any other group acting as a unit, and the plural as well as the single number.

L. *Pit* means a tract of land from which overburden has been or is being removed for the purpose of surface mining.

M. *Reclamation* means the reconditioning or rehabilitation of affected land in accordance with the requirements of this Act.

N. *Refuse* means all waste material, exclusive of overburden, directly connected with the mining, cleaning, or preparation of substances mined by surface mining.

O. *Ridge* means a lengthened elevation of overburden created in the process of surface mining.

P. *Surface Mining* means the mining of coal, clay, sand, gravel, ores, and other minerals except limestone, marble, and dolomite, by removing the overburden lying above natural deposits thereof and mining directly from the natural deposits thereby exposed or by mining directly from deposits lying exposed in their natural state.

SECTION IV

NECESSITY OF A PERMIT

No operator shall engage in any surface mining, as defined in this Act, after the effective date of this act without a valid permit from the Department to engage in such surface mining. A separate permit shall be required for each such surface mining operation that is not contiguous to a surface mining operation for which the operator has a valid permit.

SECTION V

APPLICATION FOR AND RECEIPT OF PERMIT

Any operator desiring a permit shall file an application with the Department upon a form furnished by the Department, which form shall contain:

- A. A brief description of the tract or tracts of land and the estimated number of acres thereof to be affected by the applicant's surface mining thereon during the permit period. The description shall include the section, township, range, and county in which the land is located and shall otherwise describe the land with sufficient clarity so that it may be located and distinguished from other lands. The description shall also include a description of access to the area from the nearest public highway.
- B. A statement by the applicant that applicant has the right and power by legal estate owned to mine by surface mining the land so described. Such statement shall set forth by reference the source of applicant's right and power to so mine.
- C. A statement as to whether the applicant or any person, partnership, or corporation associated with the applicant holds or has held any other permits under this Act, and an identification of such permits.
- D. The post office address of the applicant.
- E. A statement by the applicant of the manner in which the applicant intends to conduct reclamation of the affected land.

Such application shall be accompanied by a bond or security meeting the requirements of Section IX of this Act and a filing fee of Two Hundred Fifty Dollars (\$250). Upon receipt by the Department of such application, bond, or security, and fee due from the operator, the Department shall issue a permit to the applicant which shall entitle the applicant to immediately engage in surface mining on the land described in the application for a period of one year from the date of issuance of said permit.

SECTION VI

AMENDMENT OF PERMIT

- A. An operator desiring to amend a permit issued to him to include additional land may file an amended application with

the Department. Upon receipt of the amended application, such increase in the bond or surety as may be required under the provisions of this Act, and payment of a fifty-dollar (\$50) fee, the Department shall issue an amendment to the original permit covering the additional land described in the amended application for the period of time remaining in the original permit.

B. An operator desiring to amend a permit issued to him to withdraw land covered by such permit may file an amended application with the Department. Upon receipt of the amended application and upon verification by inspection that the land to be withdrawn is not affected land resulting from surface mining of applicant, the Department shall proportionately reduce the penalty of the bond or the security filed by the applicant pursuant to the provisions of this Act and shall issue an amended permit covering such land as has not been withdrawn.

SECTION VII

DUTIES OF OPERATOR

A. Every operator to whom a permit is issued pursuant to the provisions of this Act and who engages in surface mining on lands described in such permit shall:

1. Submit to the Department no later than ninety (90) days after expiration of the permit period a map or aerial photograph showing the location of the surface mining operation conducted during the permit period by section, township, range, and county, with such other description as will identify the land upon which the operator has conducted surface mining during such permit period and with a legend upon such map or aerial photograph showing the number of acres of affected land and the reclamation to be made in accordance with this section.

2. Carry on grading of affected land to reduce peaks and ridges to a rolling topography by working any ridges of removed overburden by grading the same to a width of at least ten (10) feet at the top and working peaks created by the operator's surface mining operation by grading the same at the top to a minimum of fifteen (15) feet in width.

3. Cover the face of any toxic material left exposed by operator's surface mining operation in the bottom of the pit with overburden material to a distance of at least two (2) feet above the deposits being surface mined, or by a permanent water impoundment.

4. Divert water from the mining operation in a manner designed to reduce siltation, erosion, or other damage to streams and natural water courses.

B. In addition to the requirements set forth in Subsection A of this section, the operator shall, as a minimum, plant tree-planting stock on or direct-seed the affected land with seed or seedlings of native commercial species. Where the operator elects to plant tree-planting stock on all or a portion of the affected land, the planting shall be carried out based on a spacing of ten (10) feet, approximately 435 trees per acre; and planting methods shall be governed by good planting practices. Where the operator elects to direct-seed all or a portion of the affected land, the direct-seeding shall be so conducted as to result in establishment, one year after the sowing, of between 400 and 450 tree seedlings per acre. In the event direct-seeding does not result in establishment within one year of between 400 and 450 tree seedlings per acre, the operator shall thereupon conduct such additional seeding or planting as is necessary to result in establishment of 400 to 450 tree seedlings per acre. All seeds to be sown by direct-seeding shall be treated with bird and rodent repellent. No operator shall be required, however, to:

1. Make planting, seeding, or in any other way revegetate affected land used by the operator for the deposit or disposal of refuse or within depressed haulage roads or final cuts or other areas where pools or lakes may be formed by rainfall, drainage runoff, or otherwise.

2. Make planting, seeding, or in any other way revegetate affected land so long as the chemical and physical characteristic of the soil of such affected land are toxic, deficient in plant nutrients, composed of sand, gravel, shale, or stone, to such extent as to seriously inhibit plant growth. Where natural weathering and leaching of any such affected land over a period of ten (10) years from expiration of the permit period fail to remove the toxic and physical characteristics inhibiting to plant growth, or at any time after three (3) years from the expiration of the permit period the Department determines that any of such affected land is and during the remainder of said ten (10) year period will be unplantable, the operator shall be relieved of all obligations under the provisions of this Act with respect to such affected lands.

3. Make planting or seeding until sufficient planting stock or seeds of desired tree species are available from the State or elsewhere.

C. An operator with the legal title or right may construct dams of earth or other materials in cuts of all operations where lakes may be formed, and cause lakes to be formed, provided that the formation of said lakes will not interfere with under-ground or other mining operations or cause damage to adjoining property.

D. On all affected land which is to be reforested, the operator shall construct fire lanes or access roads, which fire lanes or access roads shall be not less than twelve (12) feet in width and not more than one-fourth ($1/4$) section apart at their nearest point. Where such fire lanes and access roads are adjacent to public roads or highways, said fire lanes and access roads shall be constructed so as to be just inside the boundary of such reforested area.

E. In substitution for the grading and revegetation requirements set forth in Subsections A and B of this section, the operator may elect to reclaim the land for range, agricultural or horticultural, homesite, recreational, industrial, or commercial use; but no such election shall result in grading to a lesser extent than set forth in Subsection A of this section. The revegetation or other requirements applicable to such range, agricultural or horticultural, homesite, recreational, industrial or commercial use shall be in accordance with rules or regulations prescribed by the Department.

F. With the approval of the Department, the operator may substitute for all or any part of the affected land to be reclaimed an equal number of acres of land previously mined and not reclaimed. If any area is so substituted, the operator shall submit a map or aerial photograph of the substituted area, which map or aerial photograph shall conform to all the requirements with respect to other maps or aerial photographs required to be submitted under this section. The operator shall be relieved of all obligations under this Act with respect to the land for which substitution has been permitted and shall reclaim the substituted land.

G. The operator shall complete the reclamation of all affected land within three (3) years from the date of expiration of the permit period, except as Subsection B-2 of this section may permit an additional period within which to complete reclamation.

SECTION VIII

ENTRY UPON LANDS FOR INSPECTION

Inspectors of the Department may enter upon the lands of the landowner at any reasonable time for the purpose of inspection to determine whether the provisions of this Act have been complied with.

SECTION IX

BOND OF OPERATOR, AMOUNT, SUFFICIENCY OF SURETY, CUSTODY, SUBSTITUTIONS, RELEASE OR REDUC-

*TION ON NOTICE OF COMPLETION OF RECLAMATION,
INSPECTION TO BE BY REGISTERED FORESTER, CAN-
CELLATION BY SURETY WITH SUSPENSION OF OPER-
ATOR'S PERMIT*

A. Any bond herein provided to be filed with the Department by the operator shall be in such form as the Director prescribes, payable to the State of Alabama and conditioned that the operator shall faithfully perform all applicable requirements of this Act and comply with all applicable rules of the Department made in accordance with the provisions of this Act. Such bond shall be signed by the operator, as principal, and by a good and sufficient corporate surety licensed to do business in the State of Alabama, as surety. The penalty of such bond shall be One Hundred Fifty Dollars (\$150) for each acre covered by the permit. In lieu of such bond, the operator may elect to deposit cash or negotiable bonds of the United States Government or the State of Alabama, or any municipality within the State, with the Department in lieu of a corporate surety. The cash deposit or market value of such securities shall be equal at least to the sum of the bond. The Department shall, upon receipt of any such deposit of cash or securities, immediately place the same with the State Treasurer, whose duty it shall be to receive and hold the same in the name of the State, in trust, for the purposes for which such deposit is made. The State Treasurer shall at all times be responsible for the custody and safekeeping of such deposits. The operator making the deposit shall be entitled from time to time to demand and receive from the State Treasurer, on the written order of the Director, the whole or any portion of any securities so deposited, upon depositing with him in lieu thereof other negotiable securities of the classes herein specified having a market value at least equal to the sum of said cash deposits or securities, deposited as aforesaid, mature or are called, the State Treasurer, at the request of the operator, shall convert such securities into such other negotiable securities of the classes herein specified as may be designated by the operator. The total penalty of the bond or amount of cash and securities shall be increased or reduced from time to time as land is added to or withdrawn from the permit as provided in this Act.

B. Whenever an operator shall have completed all applicable requirements under the provisions of this Act as to any affected land, he shall notify the Department thereof. The Department shall within thirty (30) days after notification by the operator inspect the affected land completed by the operator and, if the land has been reclaimed as required by this Act, shall release the operator from further obligations regarding such affected land and reduce or release the bond or substituted cash or

securities of the operator. Inspections by the Department under this Subsection 9 B shall include inspection by a registered forester.

C. A bond filed as above prescribed shall be conditioned so that it cannot be cancelled by the surety except after not less than ninety (90) days' written notice to the Department. If a bond is cancelled after such notice, the operator shall, on or before the effective date of such cancellation, substitute for such bond another bond or cash or securities as provided herein.

D. If the license to do business in the State of any surety upon a bond filed with the Department pursuant to this Act shall be suspended or revoked, the operator, within thirty (30) days after receiving written notice thereof from the Department, shall substitute for such surety a good and sufficient corporate surety licensed to do business in the State of Alabama, or another bond, or cash or securities in lieu thereof as provided hereinabove.

E. The failure of the operator to make substitution of surety as provided in Subsections C and D next above shall result in the automatic suspension of the permit of the operator to conduct mining operations on the land described in such permit, and the operator shall not conduct further or additional mining operations on the land described in such permit until substitution as provided hereinabove has been made on the surety.

SECTION X

VIOLATIONS, ADMINISTRATIVE PROCEDURES, AND APPEALS FROM ORDERS OF THE DIRECTOR

A. Whenever the Director determines that any operator has not complied with the provisions of this Act and is therefore in violation of this Act, the Director may cause to have issued and served upon the person alleged to be committing such violation a written notice which shall specify the provision of this Act which such operator allegedly is violating, and a statement of the manner in, and the extent to which said operator is alleged to violate this Act, and shall require the person so complained against to answer the charges of such formal complaint at a hearing before the Director at a time not less than thirty (30) days after the date of notice. The Director shall issue subpoenas at the instance of the Department and at the request of the charged operator, requiring the attendance of witnesses and the production of such papers and documents as are relevant to such hearing. The charged operator may appear in person or by representative counsel at such hearing; testimony shall be taken under oath and recorded stenographically at such hearing;

and the charged operator may cross-examine witnesses at such hearing. A copy of the record of such hearing shall be furnished to the charged operator upon payment of the cost of such copy. The Director shall enter such order as he deems appropriate to effectuate the purposes of this Act and forthwith mail a copy thereof to the charged operator or its attorney of record. If such order of the Director is not complied with in the required time, the Director may then commence proceedings under Section XI of this Act.

B. Any operator subjected to any order of the Director may institute proceedings to have the order reviewed in the Circuit Court, sitting in equity, of the judicial circuit in which the operator has his principal place of business in Alabama, or of the judicial circuit where the property affected by the order is located, provided that such proceeding is filed in said court within thirty (30) days following the date of such order. The Director shall be made a party to the court proceeding; and service shall be made upon the Director, whose domicile for the purpose of service shall be deemed to be the office of the Director in Montgomery, Alabama. The cause shall be tried *de novo* as an original hearing on the equity side of said Circuit Court and shall be a preference case on the docket thereof. The Court shall have jurisdiction to determine the reasonableness and lawfulness of the order of the Director. Upon a finding by the Court that the order is not reasonable or lawful, the cause shall be remanded to the Director for further proceedings in accordance with the provisions of this Act. The parties shall have all rights of exception and appeal as in other equity cases. On any appeal of an order of the Director, the operator may, upon application to the Court, supersede any decree rendered on giving such supersedeas bond in the amount the Court deems proper and necessary to avoid the likelihood of material damage. Such a bond shall be made payable to the State of Alabama. If a supersedeas bond has been given on appeal to the Circuit Court as hereinabove provided for, such bond shall continue in force and effect during an appeal to the Supreme Court and until final adjudication of the cause, and all the conditions of such bond shall be complied with, and no other supersedeas bond need be given by the operator unless the court hearing the cause shall determine that the amount of such supersedeas bond is either excessive or inadequate, in which case the court may order such supersedeas reduced or increased as the court may decide.

SECTION XI

VIOLATIONS, LEGAL REMEDIES, ENFORCEMENT PROCEEDINGS, AND PENALTIES

A. Should the Director determine that any final order or determination made by him, not then the subject of judicial review, is being violated by any operator, then the Director may cause to have instituted a civil action in any court of competent jurisdiction to forfeit the bond of the operator as to land affected by the operator's violation of this Act or for injunctive or other appropriate relief to prevent any further or continued violation of such final order or determination.

B. Any person required by this Act to have a permit who engages in surface mining without a valid permit to do so as prescribed by this Act shall be deemed guilty of a violation of this Act and, upon complaint made by the Director in a court of competent jurisdiction and conviction thereof, shall be fined not less than Five Hundred Dollars (\$500) nor more than Five Thousand Dollars (\$5,000) and shall be required to post a bond or surety as provided in Section VII of this Act and to reclaim the affected land, resulting from the operator's surface mining without a permit in accordance with the requirements of Section VII of this Act.

C. Any person who willfully misrepresents any fact or willfully gives false information in any application or report under this Act shall be fined not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) for each offense.

D. The parties shall have all rights of exception and appeal.

SECTION XII

FUNDS, RECLAMATION ON FOREFITURES, RECLAMATION ON CONTRACTS, FACILITIES AND PERSONNEL

A. All fees and penalties collected under the provisions of this Act shall be deposited in the general revenue fund of the State Treasury.

B. All funds received from the forfeiture of bonds, sureties, cash, or governmental securities shall be placed in the State Treasury and credited to a special agency account hereby created and designated as the Surface Mining Reclamation Fund. The Department shall, for each bond, surety, or deposit of cash or securities forfeited, utilize the proceeds of such forfeiture for the reclamation of the affected land to which the forfeiture relates; however, as funds in the strip mine reclamation fund are available and adequate therefor, the director may establish and carry out a systematic schedule for the reclamation and revegetation of lands which have been affected by strip mining operations but with respect to which there is no obligation on any person under the provisions of this Act to reclaim or revegetate. The Department may cause the reclamation work

to be done by employees of other governmental agencies or through contracts with qualified vendors. The Department and any contractor under contract with the Department shall have the right of access to the land affected to carry out such reclamation.

C. The Department is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act.

SECTION XIII

ADMINISTRATION

Any act authorized to be done by the Director of the Department of Industrial Relations of the State of Alabama, may be performed by the Inspector, Assistant Inspector, or any employee of the Department when designated by the Director. The Superintendent may adopt and promulgate reasonable rules and regulations respecting the administration of this act and in conformity therewith.

SECTION XIV

APPROPRIATIONS

There is hereby appropriated to the Department out of the general fund in the State Treasury not otherwise appropriated the sum of \$22,300 for the fiscal year beginning October 1, 1969, and ending September 30, 1970, and the sum of \$22,000 for the fiscal year beginning October 1, 1970, and ending September 30, 1971, to be used for carrying out the purposes of this Act. There is hereby appropriated to the Department all funds appropriated or made available to said Department by the Congress or the federal government for the purpose of carrying out this Act.

SECTION XV

APPLICABILITY

The provisions of this Act shall not apply to surface mining activities of the State Highway Department, or city, county or municipality, incident to their activities in constructing, repairing, and maintaining the public road system in Alabama. The provisions of this section shall also extend to any person, firm, or corporation contracting with the State Highway Department, city, county or municipality, to construct, repair, and maintain public roads, provided such contracts contain standards for the reclamation of all affected surface mining areas, and provided further that such standards have been approved by the Department.

*SECTION XVI**REPEAL*

It is intended that this Act shall supplement existing law regarding the inspection or regulation of mining, water pollution, and water impoundment and that only provisions of such law which directly conflict with or are inconsistent with this Act are hereby repealed to the extent of such conflict or inconsistency.

*SECTION XVII**SEVERABILITY*

The provisions of this Act are severable; and if any part, section, subsection, clause, paragraph or phrase of this Act shall be adjudged to be invalid or unconstitutional by any court of competent jurisdiction; such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the part, section, subsection, clause, paragraph or phrase of this Act that shall be directly involved in the controversy in which such judgment shall have been rendered.

*SECTION XVIII**EFFECTIVE DATE*

This Act shall become effective on October 1, 1970.

Approved August 12, 1969.

Time: 6:26 P.M.

Act No. 400

H 1034—Merrill, Lybrand, Burgess

AN ACT

To authorize the Board of Commissioners of the City of Anniston, Alabama, or any other governing body of said City, to authorize and permit, on behalf of the City of Anniston, Alabama, South Central Bell Telephone Company, its successors and assigns, to construct and maintain a building, or a portion thereof, over and above the alley running north and south in Block 4 as shown on the Anniston City Land Company Map of Anniston, and to construct and maintain a passage-way under said alley, said construction to connect the building now occupied by said Telephone Company on the west side of said alley, or as it may be repaired or altered, with a building to be constructed by it on the east side of said alley; to set forth certain conditions concerning the width of said building, or portion thereof, constructed over and above said alley, the width of said passage-way under said alley, and the height from the top surface of said alley that the bottom of said building, or portion thereof, constructed over and above said alley shall be, in the event such authority and permission is granted by the Board of Commissioners of the City of Anniston, Alabama, or any other govern-

ing body of said City; to provide that the City of Anniston, Alabama, shall not be liable or responsible in damages for any injuries to persons, including death, or for any damages to property, arising out of or connected with the construction or maintenance of said building, or portion thereof, or said passage-way; to provide that in the event such authority and permission is granted, all parts of said alley included with the dimensions of said building, or portion thereof, constructed over and above said alley, and all parts of said alley included within the dimensions of said passage-way constructed under said alley shall be expressly vacated, and all rights of the public, including property owners in said Block 4, in said vacated portion of said alley, shall be expressly divested, and that the City of Anniston shall not be liable in damages in any manner by reason of said vacation; and to provide certain other conditions and provisions relative to said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Commissioners of the City of Anniston, Alabama, or any other governing body of said City, shall be, and is hereby expressly given the right to authorize and permit, on behalf of the City of Anniston, Alabama, South Central Bell Telephone Company, its successors and assigns, to construct and maintain a building, or a portion thereof, over and above the alley running north and south in Block 4 as shown on the Anniston City Land Company Map of Anniston, and to construct and maintain a passageway under said alley. Said construction shall connect the building now occupied by said Telephone Company on the west side of said alley, or as it may be repaired or altered, with a building to be constructed by it on the east side of said alley.

Section 2. That the Board of Commissioners of the City of Anniston, Alabama, or any other governing body of said City, in granting authority and permission for said construction, shall be authorized to prescribe the width of said building, or portion thereof, constructed over and above said alley, and the width of said passage-way under said alley, but said authorized width shall not exceed the width of the building now occupied by said Telephone Company on the west side of said alley.

Section 3. That the Board of Commissioners of the City of Anniston, Alabama, or any other governing body of said City, in granting authority and permission for said construction, shall be authorized to prescribe the height from the top surface of said alley that the bottom of said building, or portion thereof, constructed over and above said alley shall be, but such height shall not be less than 14 feet.

Section 4. That the City of Anniston, Alabama, shall not be liable or responsible in damages for any injuries to persons, including death, or for any damages to property, arising out of or connected with the construction or maintenance of said building, or portion thereof, or said passage-way.

Section 5. That in the event such authority and permission is granted by the Board of Commissioners of the City of Anniston, Alabama, or any other governing body of said City, all parts of said alley included within the dimensions of said building, or portion thereof, constructed over and above said alley, and all parts of said alley included within the dimensions of said passage-way constructed under said alley, shall be, and are hereby, expressly vacated, and all rights of the public, including any property owners in said Block 4, in said vacated portion of said alley shall be, and are hereby, expressly divested. The City of Anniston shall not be liable in damages in any manner by reason of said vacation.

Section 6. That each section, clause and provision of this Act shall be separate and separable, and if any one or more of such sections, clauses or provisions should for any reason be declared unconstitutional, or invalid, it shall not affect the remaining portions of said Act, which shall remain and be of legal and binding effect.

Section 7. That this Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:22 P.M.

Act No. 401

H. 1048—Neville

AN ACT

Relating to Barbour County; regulating the compensation of the jury commission, and the clerk thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In Barbour County, Alabama, each member of the jury commission and the clerk of such commission shall each be paid a sum to be fixed by the county governing body at not less than Ten Dollars per day for each day he is actually engaged in the discharge of his duties as such member or clerk, but the compensation of each member shall not exceed for any year of his term one thousand dollars, nor shall the compensation of the clerk in any one year exceed one thousand dollars.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:23 P.M.

Act No. 402

H.1050—Neville

AN ACT

Relating to Barbour County; further regulating the schedule days of meeting of the board of equalization of Barbour County at the two courthouses of the county; providing taxpayers a right as to the place of holding certain hearings, and requiring notice thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any taxpayer of Barbour County shall have the right to select the courthouse in Eufaula or the courthouse in Clayton as the place for having the hearing provided for in Code of Alabama 1940, Title 51, Section 107.

Section 2. The board of equalization must, in publishing the notice required by Code of Alabama 1940, Title 51, Section 106, and as a part of the written notice required to be mailed to any taxpayer under the provisions of Code of Alabama 1940, Title 51, Section 55, give each such taxpayer notice of such right and must provide him with a form for requesting a hearing, which form shall show the names of both hearing locations and shall provide the taxpayer with a method of indicating his choice.

Section 3. To provide for an equitable division of its meeting days and in order to meet the convenience of the taxpayers of the county, the board of equalization of the county shall schedule a sufficient proportion of its meetings at each courthouse so that each taxpayer who requests a hearing may have sufficient time for his hearing.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:24 P.M.

Act No. 403

H. 870—Collins (W)

AN ACT

To provide for a refund of a portion of the state tax paid on gasoline which is used solely for the fixed and static testing of engines manufactured or remanufactured in the State of Alabama; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the Commissioner of Revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. The purpose of the Act is to promote industry in Alabama, and to encourage and foster the progress of existing industry of this State, by providing for a refund of a portion of the State tax paid on gasoline which is used solely for the fixed and static testing of engines manufactured or remanufactured in Alabama, and which test in no way uses the public highways of this State, thereby making it possible for industry in Alabama to compete effectively with similar industry in other states.

Section 2. When used in this Act, the word "Gasoline" shall mean gasoline as defined in Title 51, Code of 1940, Chapter 20, Article 5.

Section 3. If gasoline is used in the static and fixed testing of engines manufactured or remanufactured in this state, and if the said testing in no way uses the public highways of this state, the ultimate purchaser of such gasoline shall be entitled to receive a refund of a portion of the state tax paid on such gasoline. The amount of such refund shall be equal to all state taxes paid except one-half (1/2) cent per gallon for each gallon of gasoline which is purchased and used for such purposes.

Section 4. Such refund of taxes as herein provided shall be made by the Department of Revenue under rules and regulations promulgated by the Commissioner of Revenue with respect to procedure, time and form of petition for refund.

Section 5. Any person who knowingly files a false or fraudulent claim for a gasoline tax refund under the provisions of this Act shall be guilty of perjury, and upon conviction shall be imprisoned in the penitentiary for not less than two nor more than five years.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1969.

Time: 6:25 P.M.

Act No. 404

H. 168—Smith, McElhaney, Jones, Snell

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama to amend Amendment CCLXIX to said constitution proposed by Act No. 274, H. 297, Regular Session 1967 authorizing counties and municipalities to levy and collect additional property taxes for public library purposes, so as to provide further for the rate of the tax and the manner in which elections under this amendment shall be called.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

“Amendment CCLXIX proposed by Act No. 274, H. 297, Regular Session 1967 is amended so that said Amendment CCLXIX shall read as follows:

“Amendment CCLXIX. A. In addition to all taxes now or hereafter authorized by the Constitution of Alabama, any county or any incorporated municipality within the state which supports, jointly supports, or proposes to support a public library is hereby authorized to levy and collect a special tax of not less than five cents nor more than fifty cents on each one hundred dollars worth of taxable property within such county or municipality as assessed for state taxation. The proceeds of all such taxes shall be used exclusively for public library purposes; provided, that the rate of such tax and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county or municipality and voted for by a majority of those voting at such election.

“B. Upon petition signed by two hundred or more qualified electors of any county to the court of county commissioners or like governing body, or upon a petition signed by two hundred or more qualified electors of any municipality to the governing body of such municipality, said court of county commissioners or governing body of said municipality shall order an election to be held at the time and for the rate specified in said petition to determine whether a special tax shall be levied for public library purposes within said county or said municipality; or, upon the request of any library board created pursuant to Article 4, Chapter 7, Title 55, Code of Alabama 1940, as amended, to the court of county commissioners or like governing body, or the governing body of any municipality, said court of

county commissioners or governing body of said municipality, shall order an election to be held at the time and for the rate requested by the said public library board to determine whether or not a special tax shall be levied within any county or within any political subdivision of the county in which said board has control over public library services or joint services.

"C. Elections under this amendment for county public library purposes shall be held at the same time any other general or special election is held in which the voters of the entire county are qualified to vote, and elections under this amendment for municipal library purposes shall be held at the same time any other municipal election is held.

"D. If authorized by the vote of the majority of the qualified electors voting in any such election called for the purpose, the county or city governing body, as the case may be, shall levy and collect, in addition to all other taxes authorized by law, a special annual ad valorem tax at the rate prescribed and approved by the electors voting in the election. If the majority vote at any election held hereunder is not in favor of the levy of the tax, or if at any such election the special tax shall be voted at a rate of less than fifty cents on each one hundred dollars worth of taxable property, then the governing body of the county or city, as the case may be, may from time to time thereafter call other elections hereunder on the levy of the special tax or on the increase of the rate thereof, up to but not exceeding a total amount of fifty cents on each one hundred dollars of taxable property, and must call any such election at the next general or special county-wide election or next municipal election, as the case may be, next following the receipt of the petition or request of the library board. Provided, however, that not more than one election upon the levy or upon the increase of the rate of the special tax shall be held during any period of twelve consecutive months. After the special tax shall have been levied for a period of three years, the governing body of the county or city, as the case may be, may from time to time thereafter call other elections hereunder on the question of the discontinuance of the tax or a reduction on the rate thereof, upon the payment in full of all obligations then outstanding, if any, and when a reduced rate will provide sufficient revenue for the purposes for which the tax was levied. If the majority of electors participating in the election vote in favor of the discontinuance or reduction in the rate of the tax, as the case may be, such discontinuance or reduction shall become effective for the tax year next succeeding the tax year in which such election is held. Provided, that not more than one election for the discontinuance or reduction in the rate of the special

tax shall be held during any period of twelve consecutive months. All such elections shall be called, held and conducted in the same manner as are elections proposing the special tax."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed by House on July 22, 1969.

Passed by Senate on August 7, 1969.

Act No. 405

H. 697—Wood, Marr, Grayson, Downing,
Collins (W), Perloff

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County under certain conditions to issue its general obligation bonds not exceeding \$3,000,000 in principal amount for certain public buildings in the said county, to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to the said constitution, as amended, providing that none of the said bonds shall be chargeable against the limitation on the indebtedness of the said county contained in Section 224 of the said constitution, and specifying certain details pertaining to the said bonds and the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

Section A. As used in this amendment the following terms shall be given the following respective meanings:

"County" means Mobile County.

"Special tax" means the annual ad valorem tax at the rate of 1/2 of 1 per centum (equivalent to 5 mills on each dollar)

of the assessed valuation of the taxable property in the county authorized to be levied by the county by the amendment known as Amendment XVIII to the Constitution of Alabama, as amended by the amendment to the constitution known as Amendment CLII, and also provided for in the amendments to the constitution known as Amendments C, CXXII, CLI, CXCIII and CXCIV.

Section B. Mobile County is hereby authorized to issue from time to time its bonds, not exceeding \$3,000,000 in aggregate principal amount, of which \$1,000,000 in principal amount shall be issued for the purpose of acquiring, providing, constructing and equipping a building for use as a Juvenile Detention Home for the county in conjunction with the Juvenile Court of the county, and \$2,000,000 in principal amount shall be issued for the purpose of acquiring, providing, constructing and equipping additions and improvements to the county courthouse building in the county; provided, that if all of the proceeds from the bonds issued for either of the said purposes shall not be needed for the purpose for which they were issued then the balance not so needed may in the sound judgment of the governing body of the county be expended for the said other purpose. The aggregate principal amount of all bonds at any time issued under this amendment, when added to the aggregate principal amount of all then outstanding bonds theretofore issued by the county under any other amendment to the Constitution of Alabama that are payable from or secured by the special tax shall not exceed 6-1/2 per centum of the assessed valuation of the taxable property situated in the county as assessed for state taxation for the state tax year next preceding that during which any bonds herein authorized shall be issued.

No bonds may be issued under the authority of this amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of the county at an election called for that purpose by the governing body of the county and a majority of the said qualified electors voting at the said election shall have voted in favor of the issuance of such bonds; provided, that if a majority of the qualified electors of the county participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for in this amendment and no additional election by the electors of the county shall be required to authorize the issuance of the said bonds. If the majority of the qualified electors of the county participating in the election on the adoption of this amendment should not vote in favor of the

adoption of this amendment, or if the majority of the qualified electors of the county voting at any election called by the governing body of the county under the provisions of this amendment should not vote in favor of the issuance of the bonds proposed at an election so called, the governing body of the county may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the county shall be called, held, conducted and canvassed, and may be contested, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties.

The bonds issued hereunder shall be general obligations of the county for the payment of the principal of and interest on which the full faith and credit of the county shall be irrevocably pledged, and in addition thereto there shall be irrevocably pledged for payment of the said principal and interest so much of the special tax as may be necessary to pay the said principal and interest at their respective maturities, each such pledge to be on a parity with all valid pledges of the special tax at any time heretofore or hereafter made, to such extent as shall not impair the obligation of any then existing valid prior pledges.

The principal of each series of bonds issued under this amendment shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of that series and the last of which shall mature not later than thirty (30) years after the date of the bonds of that series; provided, that the maturities of each series of bonds issued under this amendment shall be arranged so that (a) no annual installment of principal of the bonds of such series maturing during any fiscal year of the county shall be more than four times as great as the smallest installment of principal of the same series maturing during any prior fiscal year, and (b) the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and also all other bonds theretofore issued by the county and then outstanding that are payable out of or secured by a pledge of the special tax, shall not exceed the amount of the proceeds collected from the special tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued under this amendment shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance and redemption of bonds by counties. The indebtedness evidenced by the bonds

issued under this amendment or under any other amendment to the constitution which are payable out of or are secured by a pledge of the special tax shall be in addition to and shall not be charged against the limitation on the indebtedness of the county provided for in Section 224 of the constitution.

So long as the principal of or interest on any of the bonds issued under this amendment remains unpaid, the governing body of Mobile County shall continue the levy of the special tax at such rate as may be sufficient to pay the said principal and interest at their respective maturities; provided, that the total rate of the special tax that may be levied and collected for payment of the said bonds and all other bonds payable out of or secured by a pledge of the special tax shall not exceed 4-1/2 mills on each dollar of the assessed valuation of all properties subject to taxation by the county as assessed for state taxation and that the said rate of 4-1/2 mills on each dollar of the said assessed valuation shall be reduced for each tax year for which the special hospital tax authorized in Paragraph G of the amendment to the constitution known as Amendment No. CXCV shall have been levied at a rate exceeding 1 mill on each dollar of the taxable property in the county, any such reduction to be by 1/2 mill on each dollar of the assessed valuation of the taxable property in the county or by rate of millage equal to the rate by which the said special hospital tax levied for that tax year exceeds one mill on each dollar of the assessed valuation of such taxable property, whichever shall be the lesser reduction. The provisions of this paragraph shall be applicable, however, only to such extent as shall not impair the obligation of any pledges of the special tax heretofore made for the benefit of any bonds issued by the county prior to the adoption of this amendment.

The provisions of this amendment shall be self-executing, and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of the special tax for payment thereof.

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of the current regular session of the Legislature of Alabama. At the said election all qualified electors of the state shall be entitled to vote on the said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?" after which there shall be set forth the substance or subject matter of the amendment proposed in Section 1 of this act, and after which there shall

be printed the word "yes" and immediately under that word there shall be printed the word "no". Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be published either (a) by posting a copy of the said proclamation at each courthouse in such county, or (b) by publication in a newspaper published in another county that is circulated in the county in which no newspaper is then published. There is hereby appropriated out of the General Fund of the state such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed by House on June 24, 1969.

Passed by Senate on August 7, 1969.

Act No. 406

H. 695—Wood, Marr, Grayson, Downing,
Collins (W), Perloff

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County and making a change in the purposes for which may be levied and distributed the special tax authorized by the amendment to the Constitution of Alabama known as Amendment XVIII as heretofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed.

A. As used in this amendment the following terms shall be given the following respective meanings:

"County" means Mobile County.

"Special tax" means the annual ad valorem tax at the rate of 1/2 of 1 per centum (equivalent to 5 mills on each dollar) of the assessed valuation of the taxable property in the county authorized to be levied by the county by the amendment known as Amendment XVIII to the Constitution of Alabama, as amended by the amendment to the constitution known as Amendment CLII, and also provided for in the amendments to the constitution known as Amendments C, CXII, CLI, CXCI and CXCIV.

B. Commencing with the levy for the tax year beginning October 1, 1969 (for which tax year the special tax will become payable on October 1, 1970) the special tax shall be levied annually by the governing body of the county on the assessed valuation of all property subject to taxation by the county, as assessed for state taxation for the next preceding year, at the following rates for the following respective purposes:

(a) 1/2 mill on each dollar (equivalent to 1/20 of 1%) of the said assessed valuation shall be levied for the general purposes of the county to be paid into and disbursed by the governing body of the county out of the general fund of the county; and

(b) 4-1/2 mills on each dollar (equivalent to 9/20 of 1%) of the said assessed valuation shall be levied for payment of the principal of and interest on all bonds of the county heretofore and hereafter issued that are payable out of or secured by a pledge of the special tax; provided, that the said rate of 4-1/2 mills on each \$1.00 of the said assessed valuation shall be reduced for each tax year for which the special hospital tax authorized in Paragraph G of the amendment to the constitution known as Amendment No. CXCV shall have been levied at a rate exceeding 1 mill on each dollar of the taxable property in the county, any such reduction to be by 1/2 mill on each dollar of the assessed valuation of the taxable property in the county or by rate of millage equal to the rate by which the said special hospital tax levied for that tax year exceeds one mill on each dollar of the assessed valuation of such taxable property, whichever shall be the lesser reduction.

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of the current session of the Legislature of Alabama. At the said election all qualified electors of the state shall be entitled to vote on the said proposed amendments and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?" after which there shall be set forth the substance or subject matter of the amendment proposed in Section 1 of this act, and after which there shall be printed the word "yes" and immediately under that word there shall be printed the word "no." Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

If a majority of the qualified electors of Mobile County participating in the election on the adoption of this amendment

shall vote for the adoption thereof, then the approval of this amendment expressed by the vote in said county in favor of its adoption shall of itself authorize the changes herein proposed, and in that event no additional election by the electors of said county shall be required to authorize the same. If the majority vote in said county on the adoption of this amendment is against the adoption thereof, or if the majority vote at any election held in said county pursuant to the provisions of this amendment after its adoption is not in favor of the proposed changes in the definition of Amendment XVIII, the governing body of the said county may from time to time call other elections hereunder on the proposed changes in definitions in Amendment XVIII, but not more than one such election shall be held during any period of twelve consecutive months.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be published either (a) by posting a copy of the said proclamation at each courthouse in such county, or (b) by publication in a newspaper published in another county that is circulated in the county in which no newspaper is then published. There is hereby appropriated out of the General Fund of the state such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed by House June 24, 1969.

Amended and passed by Senate on August 7, 1969.

House concurred in Senate Amendment August 12, 1969.

Act No. 407

H. 1—Owen (Baldwin), Brannan

AN ACT

Relating to all counties having populations of not less than 48,100 nor more than 49,700 according to the most recent federal decennial census; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the tax assessor and tax collector to the probate judge; requiring an additional bond of the probate judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 48,100 nor more than 49,700 according to the most recent

federal decennial census, the judge of probate shall perform all duties relative to the assessment and collection of taxes on motor vehicles in such county, which tax assessors and tax collectors are required under the general law to perform. The tax assessor and tax collector shall be relieved of all duties and responsibility relative to the assessment and collection of taxes on such motor vehicles, and the judge of probate in all such counties shall have all duties and responsibilities relative to the assessment or collection of taxes and issuance of motor vehicle licenses. For the purposes of this act the term motor vehicle shall mean the same as defined in Code of Alabama 1940, Title 51, Chapter 20, Article 8, as amended.

Section 2. Before entering upon the additional duties imposed by this act, the judge of probate shall execute an additional bond in such penal sum as may be prescribed by the governing body of the county, giving as surety thereon a bonding company authorized to do business in this state. The bond shall be conditioned as other official bonds, shall be approved by the governing body of the county, and shall be filed and recorded in the office of the clerk of the circuit court of the county. A certified copy of such bond shall be furnished by the probate judge to the state comptroller. Premiums on such bond of the probate judge shall be paid from the general fund of the county.

Section 3. The county governing body shall furnish suitable quarters or such additional space if any be necessary for the efficient performance of the additional duties of the probate judge, and shall provide for the transfer of all necessary forms, books, records, stationery, supplies, and equipment from the respective offices of the tax assessor and tax collector to the office of the judge of probate as shall be pertinent to the transference of the duties and shall thereafter provide the same, except such stationery, forms and supplies as are furnished pursuant to law by the state department of finance or the state comptroller and the state department of revenue. The county governing body shall also provide such clerks, deputies and other assistants for the judge of probate as are necessary for the proper and efficient performance of the duties of his office. The judge of probate shall have authority to select, employ and discharge at will such clerks, deputies and other assistants and to fix their compensation; but the number and compensation of such deputies and other assistants shall be subject to the approval of the county governing body. Such compensation shall be paid out of the general fund of the county in the same manner as other county employees are paid.

Section 4. The judge of probate shall charge and collect the same fee that is prescribed in the general law for a like

service when performed by the tax assessor or the tax collector as the case may be. All such fees shall be the property of the county and shall be paid into the general fund of the county.

Section 5. To prevent motor vehicles from escaping taxation, and to provide for the more efficient assessment and collection of taxes due on same, no license shall be issued to operate a motor vehicle on the public highways of this State, nor shall any transfer be made by the judge of probate as provided under this act until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year as evidenced by receipt of the judge of probate, if the motor vehicle belongs to a resident of a county to which this act applies or is principally used or operated in such county.

Section 6. A. Every person, firm or corporation residing in or owning a motor vehicle which is principally used in any county to which this act applies who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the judge of probate; and the judge of probate shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the tax as shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act.

B. Valuation for ad valorem assessment of motor vehicle shall be at the same rate and on the same basis as is provided in Code of Alabama 1940, Title 51, Chapter 20, Article 8, as heretofore or hereafter amended, and all provisions of law with respect to the assessment on a quarterly basis are hereby incorporated in this act and made a part hereof.

C. The judge of probate of any county to which this act applies in addition to assessing and collecting the ad valorem taxes due the state and county on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in such county and he shall report and pay over the money collected for said cities at the same time and in the same manner as state and county taxes and licenses are reported and paid over by him. The judge of probate shall receive a commission of five percent of the amount of city taxes collected for assessing and collecting such taxes and he shall deduct said commission from the amount collected before paying the city treasury. The judge of probate shall not issue a license to operate a motor vehicle on the highways of this state until all ad valorem taxes due the said state, counties and cities are paid for the preceding tax year as shown by his tax receipt.

Section 7. The said comptroller, the state department of revenue and the state department of finance are hereby required to furnish to the judge of probate all books, records and blanks now or hereafter required by law to be furnished to probate judges, tax assessors, and tax collectors in connection with the performance of their duties in the issuance of automobile license plates, and the assessment and collection of the ad valorem tax on motor vehicles.

Section 8. The judge of probate shall receive for the assessing and collecting of state and county ad valorem taxes on motor vehicles the same fees charged and commissions fixed by law to be paid to tax assessors and tax collectors for like services. All such fees and commissions, including those charged for ad valorem taxes on motor vehicles due all cities in such counties, shall be paid into the general fund of the county.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. This act shall become effective October 1, 1969.

Approved August 19, 1969.

Time: 8:00 A.M.

Act No. 408

H. 111—Marr

AN ACT

To prohibit the sale or delivery of certain harmful materials to minors; to define certain terms; to provide that it shall be unlawful to exhibit to minors certain prohibited practices; to provide that it shall be unlawful for minors to falsely represent their age to gain access to prohibited practices; to provide for procedures for the commencement of enforcement and for application for the declaratory judgment; to provide that it shall be unlawful for any person to make false representation that he is the parent or guardian of a minor for the purpose of gaining such minor access to prohibited practices; to place certain limitations upon the prosecution of persons accused of violating this act; to provide for exceptions; to provide for penalties; to provide the procedures connected with the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this Act:

(a) "Minor" means any unmarried person under the age of eighteen years.

(b) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(c) "Sexual conduct" means the act of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such a person be female, breast.

(d) "Sexual excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

(e) "Sado-masochistic abuse" means the flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(f) "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, of sado-masochistic abuse, when it:

(i) predominantly appeals to the prurient, shameful or morbid interest of minors, and

(ii) is patently offensive to a prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and

(iii) is utterly without redeeming social importance for minors.

(g) "Knowingly" means having general knowledge of, or reason to know, or a belief or reasonable ground for belief which warrants further inspection or inquiry or both:

(i) the character and content of any material described herein, which is reasonably susceptible of examination by the defendant, and

(ii) the age of the minor, provided however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

Section 2. It shall be unlawful for any person knowingly to sell, deliver, distribute, display for sale or provide to a minor, or knowingly to possess with intent to sell, deliver, distribute, display for sale or provide to a minor:

(a) Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body, or any replica, article or device having the appearance of either male or female genitals which depicts nudity, sexual conduct, sexual excitement or sado-masochistic abuse and which is harmful to minors, or

(b) Any book, pamphlet, magazine, printed matter however produced or sound recording which contains any matter enumerated in paragraph (a) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct of sado-masochistic abuse and which, taken as a whole, is harmful to minors.

Section 3. It shall be unlawful for any person knowingly to exhibit to a minor, or knowingly to provide to a minor an admission ticket or pass, or knowingly to admit a minor to premises whereon there is exhibited, a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to minors.

Section 4. (a) No prosecution may be commenced against any person for violating Sections 2 and 3 of this Act unless the accused is first served with prior written notice that there is reasonable cause to believe the material upon which such prosecution is based violates this Act, and the accused has, after receiving such notice, violated this Act.

(b) The written notice provided for in paragraph (a) of this Section 4 may be given by only the following officials: the State Attorney General and any Assistant Attorney General; the district attorney, county solicitor, their assistants and deputies, or any person whose office and duty is to prosecute criminal action before any state, county or municipal court; the sheriff; the chief of police of any municipality or town; and the duly authorized law enforcement employees of the Department of Public Safety.

(c) Any person receiving such written notice provided for in paragraph (a) of this Section 4 shall have the right within 30 days from such notice to file an appropriate action for declaratory judgment to determine the validity of such written notice, but no such action shall, by reason of the commencement thereof, stay or in any way delay or postpone any prosecution for the violation of this Act.

Section 5. In prosecutions under this Act where the case is tried before a jury, then in such cases, the jury shall determine, as a matter of fact, whether the material proscribed in Section

2 of this Act and the motion picture, show or other presentation proscribed in Section 3 of this Act violates the provisions of this Act; and the trial court shall not, either before, during or after trial, dismiss a prosecution on the grounds that such material, motion picture, show or other presentation does not violate this Act as a matter of law.

Section 6. No person shall be guilty of violating the provisions of this Act:

(a) Where such person had reasonable cause to believe that the minor involved was 18 years old or more, and such minor exhibited to such person a draft card, drivers license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more; or

(b) That the person was the parent or guardian of the minor, or that the minor was accompanied by his parent or guardian, or the parent or guardian has in writing waived the application of this Act, either generally or with reference to the particular transaction; or

(c) Where such a person is a bona fide school, museum or public library, or is acting in his capacity as an employee of such organization, or as a retail outlet affiliated with and serving the educational purposes of such organization.

Section 7. (a) It shall be unlawful for any minor to falsely represent to any person referred to in Section 2 or Section 3 of this Act, or to his agent, that such a minor is 18 years of age or older, with the intent to procure any material set forth in Section 2 of this Act, or with the intent to procure such minor's admission to any motion picture or show or other presentation, as set forth in Section 3 of this Act.

(b) It shall be unlawful for any person to knowingly make a false representation to any person referred to in Section 2 or Section 3 of this Act, or to his agent, that he is the parent or guardian of any minor, or that any minor is 18 years of age, with the intent to procure any material set forth in Section 2 of this Act, or with the intent to procure such minor's admission to any motion picture, show or other presentation, as set forth in Section 3 of this Act.

Section 8. (a) Any person convicted of violating Section 2 or Section 3 of this Act is guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail or sentenced to hard labor for the county, for not more than one year, and may be fined not more than \$5,000 for each offense, or may be both imprisoned and fined, in the discretion of the court.

(b) Any person violating the provisions of Section 7 of this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor.

Section 9. The provisions of this Act are severable. If any section, subsection, sentence, clause, phrase or part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This law is cumulative and shall not be construed to repeal any law or part of any law which may be in conflict with it.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:01 A.M.

Act No. 409

H. 119—Perloff

AN ACT

To amend Section 254 of Title 13 of the Code of Alabama of 1940 which relates to the appointment and compensation of Deputy Solicitors or Deputy District Attorneys of the Thirteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 254 of Title 13 of the Code of Alabama of 1940, as amended, is amended further by adding thereto the following:

The District Attorney of the Thirteenth Judicial Circuit, in addition to the four Deputy or Assistant District Attorneys and the one full time Deputy or Assistant District Attorney now provided for by law, may appoint a second and third full time Deputies or Assistant District Attorneys who shall serve at the pleasure of the District Attorney. The said second and third full time Deputies or Assistant District Attorneys shall devote their entire time to the discharge of the duties of the office and are prohibited from practicing law directly or indirectly in any court of this State or of the United States or in any other manner or form whatsoever, except in the discharge of the official duties of the office.

The second full time Deputy or Assistant District Attorney shall be paid an annual salary of \$13,000.00, \$7,000.00 of which shall be paid from the State Treasury and the remainder to be

paid from the General Fund of Mobile County, both in equal monthly installments.

The third full time Deputy or Assistant District Attorney shall be paid an annual salary of \$12,000.00, \$6000.00 of which shall be paid from the State Treasury and the remainder to be paid from the General Fund of Mobile County, both in equal monthly installments.

Section 2. This Act shall become effective on the first day of the month following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:02 A.M.

Act No. 410

H. 138—Cameron, Springer, Harris, Hobbie

AN ACT

Relating to cities having a population of not less than 100,000 nor more than 150,000 according to the last or any subsequent federal decennial census; providing for the planning, design, location, financing, acquisition of property for, construction, alteration, enlargement, use, maintenance, operation, and fostering of off-street automobile parking facilities in such cities.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby determined and declared that in cities having a population of not less than 100,000 nor more than 150,000, according to the most recent federal decennial census, that the free circulation of traffic of all kinds through the streets of said municipalities within this state is necessary to the health, safety and general welfare of the public; that in recent years the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion in streets of said municipalities; that the parking of motor vehicles in the streets has contributed to this congestion; that such congestion prevents the free flow of traffic in, through and from such municipalities, impedes the rapid and effective fighting of fires and disposition of police force, threatens irreparable loss in the values of urban property within said cities which can no longer be readily reached by vehicular traffic and endangers the health, safety and welfare of the general public; that this traffic congestion is not capable of being adequately abated except by provisions of sufficient off-street parking facilities; that adequate off-street parking facilities have not been provided and parking spaces now existing must be forthwith supplemented by off-street parking facilities provided by public

undertaking; and that the enactment of the provisions of this act is hereby declared to be a public necessity. This act shall apply only to such cities.

Section 2. The council or other governing body of all cities within the State of Alabama, having a population of not less than 100,000 nor more than 150,000 according to the most recent federal decennial census, is hereby authorized and empowered to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or otherwise, property of every description, whether real, personal or mixed, and to manage said property and to develop any undeveloped property owned, leased or controlled by such city for the purposes hereinafter set out; to execute such contracts and other instruments and to take such other action as may be necessary and convenient to carry out the provisions of this act or to exercise the power granted hereunder; to plan, establish, acquire, construct, enlarge, improve, maintain, and equip parking facilities; to lease or let such facilities or any one or more of them to such tenant or tenants for such term, or terms, at such compensation or rental as the council or other governing body may from time to time direct; to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; to pledge for payment of such bonds any revenues or funds from which such bonds are made payable; to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes authorized by this act; to make and enforce rules and regulations governing the use of any parking facilities owned or controlled by said city; to cooperate with the State, any county, city, town, public corporation, agency, department or political subdivision of the State, and to make such contracts with them or any of them as the council or other governing body may deem advisable to accomplish the purpose of this act; to receive and accept grants for or in aid of the construction, extension improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, from the State, any department or agency thereof and any political subdivision thereof and to receive and accept money, property, labor or other things of value from any source whatsoever; and to do any and all things necessary or convenient for the exercise of any power herein granted.

Section 3. The council or other governing body of any such city is hereby specifically authorized to and shall lease any said parking facilities constructed under the provisions of this act; provided, however, that prior to leasing any such parking facility the council or other governing body must determine and find the following: the amount necessary in

each year to pay the principal of and the interest on the bonds proposed to be issued to finance such project; the amount necessary to be paid each year into any reserve fund which the council or other governing body may deem it advisable to establish in connection with the retirement of said bonds and the maintenance of said parking facility or facilities; and, unless the terms under which the project is to be leased, provide that the lessee shall maintain the project and carry all proper insurance (including liability insurance) with respect thereto, the estimated cost of maintaining the parking facility in good repair and keeping it properly insured. The lease agreement shall provide for the payment of rentals based on such findings and determinations as are sufficient (a) to pay the principal of and interest on the bonds issued to finance the parking facility, (b) to build up and maintain any reserves deemed by the council or other governing body to be advisable in connection therewith, (c) unless the agreement of lease obligates the lessee to pay for the maintenance and proper insurance (including liability insurance) of the parking facility, to pay the cost of maintaining the parking facility in good repair and keeping it properly insured.

The council or other governing body of any such city shall not be authorized to operate parking facilities constructed under the provisions of this act unless there is a default in payment of rent which has remained unpaid after ten days written notice of such default. In such an event the lease may be terminated and the city may operate such facility until such time as another suitable tenant can be obtained, and that said city shall diligently seek another suitable tenant, and shall not operate the facility for a longer period than the 12th legislative day of the next ensuing regular session of the Legislature, after default. After the expiration of the effective date of the Court Square Urban Renewal Plan, viz., January 1, 1999, and after the bonds have been retired and/or the indebtedness against the parking facility has been paid in full, the council or other governing body of any such city is hereby authorized and shall sell and convey its interest in said facility upon such terms or conditions as may be adopted by such council or other governing body.

Section 4. The principal of and interest on any bonds issued under this act shall be secured by a pledge of the revenues out of which such bonds may be made payable and may be secured by a mortgage covering all or part of any project or projects from which the revenues so pledged may be derived, and may be secured by a pledge of the lease of such project. The proceedings under which such bonds are authorized to be issued or any such mortgage may contain any agreements and provisions customarily contained in instruments securing bonds,

including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rents for any project covered by such proceedings of mortgage, the terms to be included in the lease of such project, the maintenance and insurance of such project, the creation and maintenance of special funds from the revenues from such project, and the rights and remedies available in event of default to the bond holders or to the trustee under a mortgage, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this act; provided, however, that in making any such agreement or provisions a city shall not have the power to obligate itself except with respect to the project and the application of the revenues therefrom and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers. The proceedings authorizing any bonds hereunder and any mortgage securing such bonds may provide that in the event of default in payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with such proceedings or the provisions of such mortgage. Any such mortgage may provide also that in the event of default in such payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed either by sale at public outcry or by proceedings in equity, and may provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge under its general credit or against its taxing powers.

Section 5. Any bonds issued hereunder and at any time outstanding may at any time and from time to time be refunded by any such city by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding any amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds so to be refunded shall

not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable, or if they are called for redemption, prior to the date on which they are by their terms subject to redemption. Any refunding bonds issued under the authority of this act shall be payable solely from the revenues out of which the bonds to be refunded thereby were payable, and shall be subject to the appropriate provisions of this Act.

Section 6. The proceeds from the sale of any bonds issued under authority of this act shall be applied only for the purpose for which the bonds were issued; provided, however, that any accrued interest and premium received in any such sale shall be applied to the payment of the principal of or the interest on the bonds sold; and provided, further, that if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, then such unneeded portion of said proceeds shall be applied to the payment of the principal of or the interest on said bonds. The cost of acquiring any project shall be deemed to include the following: the actual cost of the construction, including architect's and engineer's fees; the purchase price of any part of a project that may be acquired by purchase; all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition; and the interest on such bonds for a reasonable time prior to construction, during construction, and for not exceeding six months after completion of construction.

Section 7. Any such city subject to the provisions of this act may pay out of its general funds or otherwise contribute any part of the costs of acquiring a project, and may use land already owned by the municipality, or in which the municipality has an equity, for construction thereof of a project; and the municipality may accept donations of property to be used as a part of any project and money to be used for defraying any part of the cost of any project, provided, however, that where revenue bonds are issued, or to be issued, such city shall make no contribution of money or property nor obligate itself to make any contribution of money or property which would cause such bonds to be debts within the meaning of section 225 of the Constitution of the State of Alabama or bonds within the meaning of section 222 of the Constitution of the State of Alabama.

Section 8. Bonds issued under the provisions of this act shall be legal investments for banks and insurance companies organized under the laws of this state.

Section 9. The bonds authorized by this act and the income therefrom, all mortgages executed as security therefor, all lease

agreements made pursuant to the provisions hereof, and all projects and revenues derived from any lease thereof shall be exempt from all taxation in the State of Alabama.

Section 10. Neither this act nor anything herein contained shall be construed as a restriction or limitation upon any powers which a municipality might otherwise have under any laws of this state, but shall be construed as cumulative; and this act shall not be construed as requiring an election by the voters of a municipality prior to the issuance of bonds hereunder by such municipality unless required by the Constitution of the State of Alabama.

Section 11. If any section, provision, or clause of this act shall be declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:03 A.M.

Act No. 411

H. 226—Cook (Coffee), Lybrand, Wright,
Nettles, Manley, Lemley, Smith

AN ACT

To fix the salary of the Attorney General.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Attorney General of Alabama shall be an amount equal to the salary of an Associate Justice of the Supreme Court of Alabama. The salary provided for herein shall be payable in installments as the salaries of other state officers are paid, and shall be the full compensation to which the Attorney General is entitled from the state for the performance of his official duties.

Section 2. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective upon the expiration of the term of the incumbent Attorney General.

Approved August 19, 1969.

Time: 8:04 A.M.

Act No. 412

H. 251—Beck, Meade

AN ACT

Relating to the municipality of the City of Fort Payne, in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The boundaries of the City of Fort Payne in DeKalb County are hereby altered, re-arranged and extended to include within the corporate limits of the City of Fort Payne, the following described territory in addition to that already within the corporate limits, to-wit:

Beginning at the Southwest corner of Section 20, Township 6 South, Range 9 East of the Huntsville Meridian in DeKalb County, Alabama, run in an Easterly direction to the Southeast corner of the Southwest Fourth of the Southwest Fourth of Section 21, Township 6 South, Range 9 East; thence run in a Northeasterly direction to the Southwest corner of the Southeast Fourth of the Southeast Fourth of Section 10, Township 6 South, Range 9 East; thence run in an Easterly direction to the Southeast corner of Section 11, Township 6 South, Range 9 East; thence run in a Northwesterly direction to the Northwest corner of said Section 11; thence run in a Southwesterly direction diagonally across Sections 10, 16, and 20 of Township 6 South, Range 9 East to the point of beginning. Said area of land lying immediately adjacent to the existing corporate limit line of the City of Fort Payne, in DeKalb County, Alabama.

SECTION 2. This act shall become effective immediately upon the passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:05 A.M.

Act No. 413

H. 310—Springer, Neville

AN ACT

For the relief of widows of governors of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Any un-remarried widow who was the wife of any person who has held the office of Governor of Alabama during his term of office as governor shall be entitled to a pension of

\$600.00 per month, which shall be payable at the end of each month from any funds in the state treasury not otherwise appropriated, until she remarries or dies.

Section 2. This Act shall take effect on the first of the month next following the date of its enactment.

Approved August 19, 1969.

Time: 8:06 A.M.

Act No. 414

H. 332—Smith, Hobbie, Culver, Laxson,
Bassett, Young, Collier,
Starnes, Harris

AN ACT

To empower the Director of Conservation with authority to prohibit the importation into this State of any bird, animal, reptile, amphibian, or fish when such importations are not in the best interest of the State of Alabama; to provide regulatory authority to the Director of Conservation to implement the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Director of Conservation is hereby empowered to prohibit by duly promulgated regulation the importation of any bird, animal, reptile, amphibian, or fish when the importation of such animal, bird, reptile, amphibian, or fish would not be in the best interest of the State.

Section 2. The provisions of this Act shall not apply to birds, animals, reptiles, amphibians, and fish used for display purposes for carnivals, zoos, circuses, and other like shows and exhibits where ample provision is made so that such birds, animals, reptiles, amphibians, and fish will not escape or be released in this State.

Section 3. Any person, firm, corporation, partnership or association who or which imports, brings, or causes to be brought or imported into the State of Alabama any bird, animal, reptile, amphibian, or fish, the importation of which has been forbidden by duly promulgated regulation of the Director of Conservation, shall be in violation of the provisions of this Act and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred and fifty dollars for each offense.

Section 4. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:06 A.M.

Act No. 415

H. 352—Shumate, Dobbs

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Dora in Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Dora are hereby altered, rearranged and extended so as to incorporate within the town the following described territory lying and being in Walker County, Alabama, to-wit:

Beginning at the Northeast corner of the present City Limits of the Town of Dora, Alabama, as shown in Map Book 2, page 63, in the office of the Judge of Probate of Walker County, Alabama, which is the point of intersection of the south right-of-way line of U. S. Highway #78 (Bankhead Highway) and the west right-of-way line of the Empire Branch of the Frisco Railroad in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 9, Township 15 South, Range 5 West, thence run southwesterly along the East boundary of the present City Limits of the Town of Dora as follows: Run southwesterly along the West boundary of the Empire Branch of the Frisco Railroad right-of-way as said railroad meanders through Sections 9, 16, and 17 to the intersection of the West boundary of the SE $\frac{1}{4}$ OF SE $\frac{1}{4}$, Section 17, all in Township 15 South, Range 5 West, thence run South along said West boundary to the Southwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 17, Township 15 South, Range 5 West, thence run Southwest a distance of 1867 feet, more or less, to the Southeast corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 20, Township 15 South, Range 5, thence run West a distance of 660 feet; thence run South a distance of 3960 feet, more or less, to the South boundary of Section 20, Township 15 South, Range 5 West; thence continue South a distance of 660 feet; thence run West a distance of 1980 feet, more or less, to the West boundary of Section 29, Township 15 South, Range 5 West, which is the Southwest corner of the present City Limits of the Town of Dora, Alabama; thence run South along the West line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 29, to the Southwest corner of said NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 29; thence run East along the South line of the N $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section 29 to the Southeast corner thereof; thence run North along the East line of the Northeast Quarter of the NW $\frac{1}{4}$ of said Section 29 to the Northeast corner thereof; thence run East along the South

line of Section 20, Township 15 South, Range 5 West to the Southeast corner thereof; thence continue East along the South line of Section 21, Township 15 South, Range 5 West, to the Southeast corner of the $W\frac{1}{2}$ of said Section 21; thence North along the East line of said $W\frac{1}{2}$ of Section 21 to the Northeast corner of said $W\frac{1}{2}$ of said Section 21; thence continue North along the East line of the $SW\frac{1}{4}$ of Section 16, Township 15 South, Range 5 West, to the Northeast corner of the $SW\frac{1}{4}$ of said Section 16; thence East along the South line of the $SW\frac{1}{4}$ of said Section 16 to the Southeast corner of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of said Section 16; thence North along the East line of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of said Section 16 to the Northeast corner of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of said Section 16; thence East along the North line of said Section 16 to the Northeast corner of said Section 16; thence North along the East line of Section 9, Township 15 South, Range 5 West, to its intersection with the South right-of-way line of U. S. Highway 78; thence Northwesterly along the South right-of-way line of said Highway to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:07 A.M.

Act No. 416

H. 360—Melton

AN ACT

To make an appropriation to the Governor's Office for the purpose of paying a contribution to the National Governors Conference.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the State General Fund to the Governor's Office for the fiscal year ending September 30, 1969 the sum of six thousand dollars (\$6,000), such sum to be used to pay the State's contribution to the National Governor's Conference for the purpose of staffing such conference's Washington, D. C. office.

Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:08 A.M.

Act No. 417 H. 418—Manley, Pruitt, Tuck, McCorquodale,
Garrett, Agee, Melton

AN ACT

To make a conditional appropriation from the Alabama special educational trust fund in the state treasury to the use of the Alabama Education Television Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Alabama special educational trust fund in the state treasury, the sum of \$100,000 to the use and benefit of the Alabama Educational Television Commission to be used for the completion of an educational television tower and system in West Central Alabama. The appropriation hereinabove made is conditional upon the condition of the state treasury as determined by the governor, and shall be released only on approval by the governor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:09 A.M.

Act No. 418 H. 423—Bank, Weeks, Culver, Edington,
Lyons, Merrill, Lybrand, Cook
(Jefferson), Marr, Bowers,
Waggoner

AN ACT

To amend further "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, H. 29, approved May 24, 1951 (Acts of Alabama 1951, p. 259); in relation to the periods during which service must be rendered, the duration of such service and the time of residence in Alabama of the veteran entitled to benefits under the Act; to eliminate certain redundancies in the Act; to clarify certain ambiguities therein; and to provide that the benefits authorized therein shall be in addition to other state and federal benefits accorded to children, wives and Widows of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, H. 29, approved May 24, 1951, (Acts 1951, v. 1, p. 259), as amended, is hereby amended further to read as follows:

"Section 1. Any child whose father or mother (a) was killed or died in line of duty or is listed as missing in action while serving as a member of the armed forces between the

dates of April 7, 1917, and November 11, 1918, as to World War I and December 7, 1941, and December 31, 1946, as to World War II, or at anytime after December 31, 1946, and prior to June 27, 1950, if such service has been ruled extra hazardous, June 27, 1950, and January 31, 1955, as to the Korean Conflict, or at anytime after January 31, 1955, and prior to August 5, 1964, if such service has been ruled extra hazardous, or at anytime after August 4, 1964, but before the end of the Vietnam War period as determined by the President or the Congress of the United States, or at any time thereafter if such service has been ruled extra hazardous; or (b) died from a disability incurred from military service during any of the above periods and circumstances specified in Section 1(a), as established by the State Department of Veterans Affairs, after having been discharged under conditions other than dishonorable and after having served at least ninety days consecutively in the armed forces prior to and/or subsequent to the date on which such disability occurred, or who was honorably discharged by reason of wartime service-connected disability after serving less than ninety days; may attend any Alabama State institution of higher learning, college or university for a period of four standard academic years of nine months each, not to exceed thirty-six months total, without paying any tuition or fees whatsoever for such college or university attendance, or any such child may take a prescribed course in any Alabama State trade school for the length of any prescribed course of study of his or her choosing, without the payment of any tuition or fees whatsoever. Training under this section must be initiated prior to the child's twenty-third birthday, and must be completed within five years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this Act beyond the thirtieth birthday of such child."

Section 2. Section 3 of said Act No. 47 of 1951, as amended, is amended further to read as follows:

"Section 3. The wife and children of any veteran who is suffering from forty percent or more service-connected disability brought about from service in the armed forces of the United States, or the widow and children of a deceased veteran who was suffering from forty percent or more of service connected disabilities at the time of his death, provided such disabilities as are mentioned herein are incurred from military service during any of the dates and circumstances specified in Section 1(a), as established by the state department of veterans affairs, shall be entitled to the following educational advantages and opportunities:

"The wife or widow, as the case may be, shall be entitled to two standard academic years of not to exceed nine months each attendance upon any Alabama State institution of higher learning, college or university without the payment of any tuition or fees, or she shall be entitled to a prescribed course of study in any Alabama State trade school without the payment of any tuition or fees. It is provided, however, that all training received at State institutions of higher learning or state trade schools under the provisions of this paragraph must be completed within a period of three years after the beginning date of such two-year course or such prescribed course.

"Each child of such disabled veterans shall be entitled to four standard academic years of not to exceed nine months each attendance upon any Alabama State institution of higher learning, college or university without the payment of any tuition or fees, or he or she shall be entitled to a prescribed course of study in any Alabama State trade school without the payment of any tuition or fees. Training under this paragraph must be initiated prior to the child's twenty-third birthday, and must be completed within five years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this paragraph beyond the thirtieth birthday of such child."

Section 3. Section 4 of said Act No. 47 of 1951, as amended, is amended further to read as follows:

"Section 4. Every bona fide permanent resident of at least one year's residence in the State of Alabama immediately prior to entrance into service, who serves in the armed forces of the United States at least 24 months at any time after August 4, 1964, but before the end of the Vietnam War period as determined by the President or the Congress of the United States, or who is or was released or discharged from such service, under conditions other than dishonorable, by reason of wartime service-connected disability after serving less than 24 months, shall be entitled to take any extension or correspondence course from any State college or university offering same, without the payment of any fees or charge for such extension or correspondence course. The veteran taking advantage of this provision of the Act must do so within four years from passage and approval thereof, or within four years from the date of his or her discharge, whichever occurs last. Provided, however, no veteran shall be entitled to such correspondence or extension course during the time he or she is receiving educational benefits under any Federal statute, or if he or she has already received maximum benefits to which he or she was entitled under any Federal statute."

Section 4. Section 5 of said Act No. 47 of 1951, as amended, is further amended to read as follows:

"Section 5. Before an application of any veteran for benefits under this Act can be approved, such veteran shall submit proof, satisfactory to the state department of veterans affairs, of:

"1. Identification;

"2. Having been a permanent resident of the State of Alabama for at least one year immediately prior to his or her entrance into service;

"3. An honorable discharge or other proof of honorable termination of at least 24 months of service in the armed forces, or if such veteran was discharged or released by reason of service-connected disability then proof of honorable termination of less than 24 months of service is acceptable.

"Before the application of a wife, widow or child of a disabled veteran or a deceased veteran or serviceman for educational benefits under this Act is approved, proof, satisfactory to the state department of veterans affairs, must be submitted:

"1. Establishing the identification of such wife, widow or child as the wife, widow or child of the veteran or serviceman, as the case may be,

"2. Of such veteran or serviceman having been a permanent resident of the State of Alabama for at least one year immediately prior to his or her entrance into service, or if the applicant is the wife, widow or child of a totally and permanently disabled veteran, then proof either of the veteran's having been a permanent resident of the State of Alabama for at least one year prior to his entrance into service or proof that such veteran has been a bona fide resident of this state for at least five years immediately prior to the filing of the application for benefits hereunder or immediately prior to his death if the veteran is deceased.

"3. An honorable discharge or other proof of honorable termination of service of the veteran or serviceman in the armed forces for a period of at least ninety days between the dates hereinabove mentioned, or service of less than ninety days if the veteran or serviceman was discharged or released by reason of service-connected disability.

"The service upon which any benefits are awarded under this Act shall have been rendered during wartime or under extra hazardous conditions; and this condition of eligibility

shall be established by the Alabama State Department of Veterans Affairs.”

Section 5. Section 12 of said Act No. 47 of 1951, as amended, is further amended to read as follows:

“Section 12. The benefits hereunder shall be in addition to any other state or federal benefits to which the wife or children of a disabled veteran or the widow and children of a deceased veteran are entitled.”

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:10 A.M.

Act No. 419

H. 428—Owen (Baldwin)

AN ACT

To amend Section 16 of Title 23 of the Code of Alabama of 1940 providing for certain rules and regulations of the highway department.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16 of Title 23 of the Code of Alabama of 1940, be and the same is hereby amended to read as follows:

“Section 16. RULES AND REGULATIONS OF HIGHWAY DEPARTMENT.—

(a) The highway department shall have the right and power to adopt all reasonable and necessary rules and regulations for the better construction, repair and maintenance of the public roads and bridges in Alabama under the jurisdiction of the department which the department shall deem proper. The department shall have the power to enter into contracts and agreements with the owners or operators of telegraph or telephone lines, community antenna television systems, power transmission lines, gas districts, gas, water, sewer or other pipe lines which are constructed, to be constructed or operated along or across the right of way of public roads, bridges and highways of this state and to prescribe all reasonable rules and regulations as to the construction, repair or maintenance of the poles, wires and lines of such telegraph, telephone, community antenna tele-

vision systems or power companies and pipe lines of gas districts, gas, water, sewer or other pipe line companies so as to insure the safety of the travelling public in using the roads, bridges and highways in this state.

(b) The department may also prescribe any reasonable rules and regulations so as to prevent unnecessary trespassing upon or injury to any of the public roads, bridges or highways of the state, upon which state money may be expended or appropriated, or upon any part of the right of way of any of the public roads or highways in the state upon which state money may be expended or appropriated. The department may also prescribe rules and regulations as to the weight or tonnage of vehicles to be used upon any of the public roads, bridges or highways of the state upon which state money may be expended or appropriated, except as may be otherwise provided by law."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:10 A.M.

Act No. 420 H. 510—Berryman (R), Holman, Laxson, Agee,
 McDonald, Grainger, Shumate,
 Williams, Dobbs, Smith, Garrett,
 Berryman (W)

AN ACT

Relating to eminent domain proceedings; amending Code of Alabama 1940, Title 19, Section 14 in relation to proceedings instituted by watershed conservancy districts and water management districts.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 19, Section 14 is hereby amended to read as follows:

"Section 14. The amount of compensation to which the owners and other parties interested therein are entitled must not be reduced or diminished because of any incidental benefits which may accrue to them, or to their remaining lands in con-

sequence of the uses to which the lands to be taken, or in which the easement is to be acquired, will be appropriated; provided that, in the condemnation of lands for ways and rights of ways for public highways, the commissioners may, in fixing the amount of compensation to be awarded the owner for lands taken for this use, take into consideration the value of the enhancement to the remaining lands of such owner that such highway may cause; and provided further, that in proceedings instituted by water conservancy districts and water management districts benefits accruing to the land owner from an improvement may be considered and allowed as a setoff against the damages to be awarded, but benefits derived from improvements other than the improvement for which the land is condemned cannot be considered."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:11 A.M.

Act No. 421

H. 511—Berryman (R), Grainger, McDonald

AN ACT

To amend Act No. 517, S. 96, Legislature of 1957, approved September 13, 1957 (Acts of Alabama 1957, Vol. II, p. 705), an Act providing for the creation of watershed conservancy districts for developing and executing plans and programs for the conservation of water, water uses, flood prevention and control, prevention and control of erosion, flood water and sediment damages by amending Sections 1 and 9 of said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 9 of an Act providing for the creation of watershed conservancy districts, Act No. 517, S. 96, Legislature of 1957, (Acts of 1957, Vol. II, p. 705) are hereby amended to read as follows:

"Section 1. *Formation authorized; purpose; meaning of words and phrases.*—A. Sub-districts of a soil conservation district, as defined by the laws of this State, may be formed in any watershed area in such soil conservation district for the purpose of developing and executing plans and programs relating to any phase of conservation of water, water usage, flood prevention, flood control, erosion prevention and control of erosion, floodwater and sediment damages. Such sub-districts shall be known as watershed conservancy districts.

B. For the purpose of this Act, the following words and phrases shall have the meaning indicated unless the context clearly indicates a different meaning: (a) "Watershed conservancy district" or "watershed district" means a subdistrict of a soil and water conservation district, and constitutes a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of this chapter, for the purposes, with the powers, and subject to the restrictions herein set forth; (b) "Director" means one of the members of the governing body of a watershed conservancy district, and "board of directors" means the governing body of a watershed conservancy district; (c) "Supervisor" means a supervisor of a soil and water conservation district in which a watershed conservancy district is situated, and "board of supervisors" means the governing body of the soil and water conservation district in which a watershed conservancy district is situated or, if the watershed conservancy district is situated in more than one soil and water conservation district, the joint governing bodies of such districts. (d) "Landowner" or "owner of land" means any person, firm, or corporation who shall hold legal or equitable title to any land lying within a watershed conservancy district organized or proposed to be organized under this chapter; (e) "Due notice" means notice published at least twice, with an interval of at least seven days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting notice in at least three public places in each county lying in whole or in part within the designated area. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

"Section 9. *Election, terms, qualifications and organization of board of directors of watershed conservancy district.*—

(a) Within thirty days after a watershed conservancy district is created under the provisions of this Act, the board of supervisors shall cause an election, after due notice has been given, to be held therein for the election of a board of directors of such watershed conservancy district. All owners of lands lying within the district shall be eligible to vote in such election, and only such landowners shall be eligible to vote. The board of directors shall be composed of five members, whose terms of office shall be four years. A director shall hold office until his successor has been elected and has qualified. Such board of directors shall, under the supervision of the board of supervisors, be the governing body of the watershed conservancy district. Successors to the first elected directors shall likewise be elected

for terms of four years at an election conducted, after due notice has been given, by the supervisors at least one month prior to the expiration of the term of office of the incumbent directors. Vacancies occurring before the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the remaining members of the board of directors, with the approval of the board of supervisors.

(b) If the territory embraced within a watershed conservancy district lies within more than one soil and water conservation district, each of said additional districts with a minority of the land involved in the watershed district shall be entitled to elect three additional directors.

(c) The board of directors shall annually elect from its membership a chairman, secretary, and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of his office to be approved by the board of directors, except that no bond shall be required until such time as the district possesses funds. Such bond shall be executed with at least three solvent personal sureties whose solvency must exceed the amount of the bond, or by a surety company authorized to do business in this state, and shall be in an amount determined by the board of directors. If the treasurer is required to execute a surety company bond, the premium on the bond shall be paid by the board of directors. A majority of the board of directors shall constitute a quorum, and the concurrence of a majority in any matter within their authority shall be required for its determination.

(d) Each person desiring to be a director of a watershed conservancy district shall file not later than five (5) days prior to the date set for an election a nominating petition with the board of supervisors, signed by twenty-five or more landowners within the watershed conservancy district of the county involved, or if less than fifty landowners are involved, a majority of such landowners. If the candidates nominated do not exceed the positions available, they shall be declared elected by the board of supervisors, and the board of supervisors shall publish the results of such election. No person shall be eligible to be a director of a watershed conservancy district, unless he is a landowner in the district in which he seeks election.

(e) All elections or appointments of directors of watershed conservancy district heretofore made are hereby ratified, affirmed, and validated, and the actions taken by any directors as members of their respective boards and within the scope of their authority are hereby ratified, affirmed and validated. Successors to such existing directors shall be made in the manner pro-

vided in this Act at the expiration of the term for which any such director was elected or appointed, but in no event later than four years from the date of enactment of this Act."

Section 2. If any of the provisions of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision, part, or portion of this Act which is not of itself invalid or unconstitutional.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:12 A.M.

Act No. 422

H. 533—Collins(W)

AN ACT

To amend Sections 1 and 3 of Act No. 322, General Acts of Alabama 1947, page 212, which pertains to the catching of shrimp for bait during the closed season and for the licensing of persons selling or offering for sale such shrimp.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 322, General Acts of Alabama 1947, page 212, be and the same is hereby amended so as to read as follows:

"Section 1. Nothing in the laws of the State of Alabama shall be so construed as to prevent any bona fide live shrimp bait dealer thereof from taking or catching, or attempting to take or catch, any shrimp at any time in any of the open waters of the State of Alabama south of the mouth of Mobile River and south of Battleship Causeway which is also known as Cochran Bridge Causeway, provided that such shrimp shall be taken only in the manner herein set forth. All waters north of said line are permanently closed to the taking of salt water shrimp for any purpose at any time."

Section 2. That Section 3 of Act No. 322, General Acts of Alabama 1947, page 212, be and the same is hereby amended so as to read as follows:

"Section 3. Such shrimp may be sold for use as bait only when alive or with heads attached and may be sold only by persons who have previously purchased from the Department of Conservation an annual live shrimp bait dealers license, which

licenses shall be sold and issued by the Department of Conservation to bona fide live shrimp bait dealers upon the payment of a charge of twenty-five dollars (\$25.00) for one boat and fifty dollars (\$50.00), for two boats. The Department of Conservation will not issue a live shrimp bait dealers license until the applicant has furnished to the Director of Conservation such information as the director may prescribe showing that the applicant has the necessary equipment and facilities to properly keep shrimp alive for sale as bait. The Director, before the issuance of a license, may cause an inspection of the applicant's gear, equipment, place of business and vessel to ascertain if same meet the minimum requirements for keeping bait shrimp alive. The live shrimp bait dealers license may be revoked at any time during the issuing year that an agent of the Director of Conservation, after inspection, finds that the equipment, gear and vessel of the licensee no longer meet the minimum requirements for keeping shrimp alive for sale as bait. Any person who sells, exchanges, barterers, or otherwise disposes of live shrimp, or attempts to sell, exchange, barter, or otherwise dispose of live shrimp, shall be in violation of this Act unless he has first purchased the annual live shrimp bait dealers license. No holder of a live shrimp bait dealers license shall have more than two boats in use for the purpose of catching shrimp for sale as bait nor more than one originally constructed sixteen foot (16') trawl for each boat. No holder of a live shrimp bait dealers license may have in his boat more than fifteen (15) pounds of dead shrimp at any time including shrimp to be used for his personal, noncommercial use."

"Section 4. Each live bait licensee must furnish the Seafoods Division of the Department of Conservation at the Dauphin Island office of same, with the Water Safety Registration numbers of the boat or boats he designates to use as a licensee hereunder, one boat for each \$25.00 license sought, not to exceed two boats to a licensee, and a live bait licensee hereunder is prevented from substituting another boat for a boat as designated above unless he gives a two-weeks written notice to the Seafoods Division of the Department of Conservation at Dauphin Island office of same, setting forth the Water Safety registration number of the designated boat to be replaced, and of the boat replacing same.

"Section 5. Violation of any of the provisions hereof shall be an offense against the State of Alabama, and violators shall, upon conviction be fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars; and any licensee hereunder who shall be found guilty of violating any of the provisions hereof shall have such license revoked forthwith, and the Department of Conservation shall not issue

another license to such licensee for a period of six months after being convicted.

"Section 6. Nothing in this law or in any of the laws of the State of Alabama shall be so construed as to prevent any citizen thereof from taking or catching or attempting to catch or take any shrimp not in quantities greater than five (5) pounds for each person in a boat, nor shall more than fifteen (15) pounds be caught by *any boat each day* regardless of the number of persons therein, in any of the open waters of Mobile Bay below what is known as Battleship Causeway without a license therefor and within or without the closed seasons as declared by the Director of Conservation; provided that such shrimp shall be taken only in the manner provided for in Section 2 of Act No. 322, General Acts of Alabama 1947, page 212 as amended by Act No. 717 1953 of Alabama, Page 970.

"Section 7. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

"Section 8. If any section, clause or sentence hereof shall be declared invalid or unconstitutional by any court, it shall not affect the validity of any remaining portion, it being the expressed intent of the Legislature to enact such portions as are valid and constitutional.

"Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law."

Approved August 19, 1969.

Time: 8:13 A.M.

Act No. 423

H. 556—Smith, Bolton, Collins (C), Beck

AN ACT

To provide that the execution of certain contracts and purchases made by or on behalf of the Alabama Institute of Deaf and Blind shall be subject to the provisions of the state competitive bid law as provided by Act No. 217, S. 23, Special Session 1967 (Acts 1967, p. 259) as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. All expenditures of funds of whatever nature for labor, services or work, or for the purchase or lease of materials, equipment, supplies, or other personal property, involving five hundred dollars (\$500) or more, made by or on behalf of the Alabama Institute for Deaf and Blind shall be made under contractual agreement entered into by free and open competitive bidding on sealed bids, to the lowest responsible

bidder. All such expenditures shall be subject to the provisions of the state competitive bid law provided for in Act No. 217, S. 23, Special Session 1967 (Acts 1967, p. 259), as amended, in the same manner and to the same extent as are expenditures by or for state trade schools, state junior colleges, and state colleges and universities under the supervision and control of the state board of education. Provided, however, this Act shall not apply to purchases of any commodity for which an open public market is maintained, including, but not limited to grains and broom corn, if such commodity is purchased at a price not higher than the prevailing open market price.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:14 A.M.

Act No. 424

H. 557—Smith, Bolton, Collins (C), Beck

AN ACT

Relating to schools; authorizing Alabama Institute for Deaf and Blind to provide education at pre-school and junior college levels for deaf, blind, visually handicapped, and otherwise severely handicapped persons.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of trustees of the Alabama Institute for Deaf and Blind may in its discretion provide for the education and training of deaf, blind, visually handicapped, and otherwise severely handicapped persons at the pre-school and junior college levels without regard to time and age restrictions and limitations imposed in Code of Alabama Title 52, Section 524.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:15 A.M.

Act No. 425

H. 558—Smith, Bolton, Collins (C), Beck

AN ACT

To amend Code of Alabama 1940, Title 52, Sections 528 and 530, in relation to the Institute for Deaf and Blind.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 52, Section 528 is hereby amended so as to read as follows:

Section 528. There shall be at the Alabama Institute for Deaf and Blind a separate department of adult blind and deaf. Legislative appropriations for the department shall be made separate and apart from the legislative appropriations made for the support and operation of the institute. The department shall have authority to establish and to operate a library service for blind, visually handicapped, deaf, or severely handicapped persons; and the department is hereby designated as the official agency to operate a regional library for the blind, visually handicapped, deaf, and severely handicapped.

Section 2. Section 530 of Title 52, Code of Alabama 1940, is hereby amended so as to read as follows:

Section 530. It shall be the duty of the Alabama Institute for Deaf and Blind, through its Adult Department, to maintain a bureau of information, the object of which shall be to aid the blind or deaf, whose training is not otherwise provided for, in finding employment, in developing home industries, and in marketing their products. It shall in its discretion enter into a cooperative agreement with the state board of education to expend funds under the civilian rehabilitation act for special vocational training, materials, tools, and books for use as a means in rehabilitating blind or deaf persons who may be in need of such services; and it may, through the employment of teachers, give home instruction to blind persons, provided that it shall not undertake the permanent support or maintenance of any blind person. The Adult Department is hereby authorized within its discretion, and subject to the control of the board of trustees, to use any part of the fund appropriated herein to purchase materials as a means of promoting home industries; such material to be used in the training of blind or deaf persons, after training, all materials supplies to be converted into marketable products—the cost of this material to be credited to the fund provided under this article for further use in assisting blind or deaf persons in establishing and maintaining home industries. Records shall be kept showing the purchase of all equipment and supplies and the part of the expenditure of same made for training. In order that the provisions of this

section may be made effective the Adult Department is hereby authorized to cooperate with other agencies in the state that may be interested in blind or deaf relief in establishing a sales agency for products made by the blind or deaf. The Adult Department, subject to the control of the board of trustees, may further cooperate with the state board of education through the rehabilitation service to provide at its discretion employment tools, supplies, and materials necessary in the rehabilitating of blind or deaf persons, not otherwise provided for in this article, and may expend funds provided herein for physical restoration of indigent blind or deaf persons when this is necessary to their rehabilitation. The director of the department of adult blind and deaf, the director of vocational rehabilitation, and the director of vocational education, jointly shall share the responsibility for developing policies, procedures and budgets governing operation of the adult facilities for carrying out a program of services for the adult deaf and blind, but full and final authority with respect to admission of clients, operation of programs, and related activities shall be vested exclusively in the director of the department of adult blind and deaf; provided, however, that budgets involving funds from the State Department of Education and policies relating thereto shall be subject to the approval of the State Superintendent of Education.

Section 3. This Act shall take effect immediately upon its enactment.

Approved August 19, 1969.

Time: 8:16 A.M.

Act No. 426

H. 559—Smith, Bolton, Collins (C), Beck

AN ACT

Relating to schools; authorizing the Alabama Institute for Deaf and Blind to provide education for non-residents of the state, the expense of such education to be borne by such persons.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Trustees of the Alabama Institute for Deaf and Blind may in its discretion provide for the education and training of deaf, blind, visually handicapped, and otherwise severely handicapped persons who are non-residents of the state; provided, however, that in any such case, the full cost of such education or training to be ascertained and set by the board, shall be charged to such persons for such education or training.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:17 A.M.

Act No. 427 H. 560—Smith, Bolton, Collins (C), Beck
AN ACT

To amend Act No. 542, H. B. 304, Regular Session 1955, an act relating to the blind and visually handicapped (Acts 1955, v. 2, p. 1197).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 542, H. B. 304, Regular Session 1955, relating to the adult blind department of the Alabama Institute for Deaf and Blind (Acts 1955, v. 2, p. 1197) is hereby amended so as to read as follows:

Section 1. The department of adult blind and deaf of the Alabama Institute for Deaf and Blind established pursuant to Title 52, Code of Alabama 1940, as amended, in addition to all other powers and duties now encumbered upon it, is authorized:

(a) To maintain and develop workshops for training and employing blind, visually handicapped, deaf, and other severely handicapped persons.

(b) To develop, cooperate with, and supervise similar shops in other localities in Alabama.

(c) To aid blind, visually handicapped, deaf, and severely handicapped persons in securing employment, in developing home industries and in marketing their products.

(d) To act as the agent or salesman of workshops or other nonprofit agencies employing blind, visually handicapped, deaf, and other severely handicapped persons in the state under the supervision of such department in the marketing of their products and services. In order to carry out the duties hereby imposed the department of adult blind and deaf shall issue a descriptive catalogue showing in detail such articles as are, or may be, produced under its supervision, and shall furnish copies thereof to all purchasing agents for any state department, agency or institution and to the purchasing agents of the political subdivisions of the state, and to other parties who may be

interested. Upon receipt of requisitions for goods or services from the purchasing agents of the various state departments, agencies, and institutions, or the purchasing agents of the political subdivisions of the state or other parties, the department shall distribute such orders among workshops and other nonprofit agencies under its supervision. The department shall keep accurate records showing the receipts from the sale of such products and services and all disbursements therefrom.

Section 2. Section 2 of said Act No. 542 of 1955 is hereby amended to read as follows:

Section 2. Whenever any of the products made or manufactured by the blind, visually handicapped, deaf, or other severely handicapped persons under the direction or supervision of the department of adult blind and deaf of the Alabama institute for deaf and blind meet the requirements of any department, institution or agency supported in whole or in part by the state as to quality and quantity, such products shall have preference, except over articles produced or manufactured by convicts in Alabama employed in industries operated or supervised by the department of corrections; and all departments, institutions and agencies supported in whole or in part by the state are hereby directed to purchase such articles from the department of adult blind and deaf. All political subdivisions of the state are authorized to purchase articles made or manufactured by the blind, visually handicapped, deaf, or severely handicapped through the department in the same manner that the state and its agencies and institutions purchase them. A fair market price for all articles offered for sale pursuant to this act shall be determined by the board created in Section 3 hereof.

Section 3 of said Act No. 542 of 1955 is hereby amended to read as follows:

Section 3. The director of finance, the attorney general and the president of the Alabama Institute for deaf and blind are hereby constituted a board to fix a fair market price for all articles offered for sale under authority of this article, to determine whether or not articles produced by blind, visually handicapped, deaf, or other severely handicapped persons meet the reasonable requirements of state departments, agencies and institutions and to authorize state departments, agencies and institutions to purchase articles elsewhere when requisitions cannot be complied with through the department of adult blind and deaf. No department, institution or agency shall be allowed to evade the intent and meaning of this article by slight variations from standards adopted by the department of adult blind and deaf of the Alabama Institute for Deaf and Blind,

when the articles produced or manufactured by it, in accordance with its standards, are reasonably adapted to the actual needs of such departments, institutions, agencies, or political subdivisions.

Section 4. This Act shall take effect immediately upon its enactment.

Approved August 19, 1969.

Time: 8:18 A.M.

Act No. 428 H. 561—Smith, Bolton, Collins (C), Beck
AN ACT

To amend Act No. 543, H. 303, Regular Session 1955, an act authorizing and providing for the operation of stands in buildings and on properties of the State of Alabama, its agencies, institutions, and political subdivisions by blind persons (Acts 1955, v. 2, p. 1200).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 543, H. B. 303, Regular Session 1955, an act authorizing and providing for the operation of stands in buildings and on properties of the State of Alabama, its agencies, institutions, and political subdivisions by blind persons (Acts 1955, v. 2, p. 1200), is hereby amended so as to read as follows:

1. (a) The vocational rehabilitation service of the State Department of Education and the department of adult blind and deaf of the Alabama Institute for Deaf and Blind, working under a cooperative agreement, shall make surveys of concession stand opportunities for blind persons in buildings and on properties of the State of Alabama, its agencies, institutions, and political subdivisions.

(b) The vocational rehabilitation service of the State Department of Education shall be designated as the agency of the State to issue licenses to blind persons who are residents of Alabama for the operation of stands in buildings and on property of the State of Alabama, its agencies, institutions, and political subdivisions, for the purpose of vending of newspapers, periodicals, confections, tobacco products, and such other articles as may be approved for each building and property by the licensing agency. Provided, however, that no such license shall be issued for the operation of any such vending stand in any building or on property owned, leased, or used by any county or by any municipality, or any agency thereof, without the approval of the governing body of such county or municipality,

which approval, if given, may be withdrawn so as to cancel such license at any time by such governing body.

(c) The department of adult blind and deaf of the Alabama Institute for Deaf and Blind shall work cooperatively with the licensing agency in the establishment of such concession stands and supervise their operation on a continuing basis.

(d) The Alabama Institute for Deaf and Blind and the State Department of Education, through the department of adult blind and deaf and the vocational rehabilitation service, respectively, will take such other steps as will be necessary and proper to carry out the provisions of this Act.

(e) The licensing agency shall, in issuing each license for the operation of a vending stand, give preference to blind persons who are residents of Alabama. Each such license shall be issued for an indefinite period but may be terminated by the licensing agency if it is satisfied that the stand is not being operated in accordance with the rules and regulations prescribed by such licensing agency. Such licenses shall be issued only to applicants who are blind within the meaning of this Act but who are able, with such infirmity, to operate such stands.

(f) The licensing agency, after reaching proper agreement with custodian, is authorized to select the location for such stand, the type of stand to be provided, the operator, provide the training and supervision necessary, provide equipment and shelter essential, and adequate initial stock of suitable articles to be vended therefrom.

(g) The head of each department or agency in control of the maintenance, operation, and protection of the state property shall, after consultation with the State Superintendent of Education and the President of the Alabama Institute for Deaf and Blind, prescribe a policy designed to assure such preference for such licensed blind persons.

(h) The State licensing agency is authorized, with the cooperation of the head of the department or agency in control of the maintenance, operation, and protection of the property on which the stand is to be located but subject to policy prescribed pursuant to item (g), to select a location for such stand and the type of stand to be provided.

Section 2. This act shall take effect immediately upon its enactment.

Approved August 19, 1969.

Time: 8:19 A. M.

Act No. 429

H. 564—Smith, Bolton

AN ACT

Relating to the Twenty-ninth Judicial Circuit; creating an additional judgeship for such circuit; providing for the designation of such judgeships by number and for a presiding judge of such circuit; and providing for the election, term, compensation, powers, duties, liabilities and authority of an additional judge for such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be an additional judgeship for the Twenty-ninth Judicial Circuit of Alabama. A judge for the additional judgeship hereby created shall be elected at the next general election for circuit judges in 1970, and such judge shall be elected for the same term and shall take office at the same time as the other circuit judges elected at such time. The additional judgeship hereby created shall be established upon the first Monday after the second Tuesday in January, 1971. Thereafter a judge for the additional judgeship shall be elected as are other circuit judges in this state.

Section 2. The existing judgeship in the Twenty-ninth Judicial Circuit is hereby designated "Judgeship, Place No. 1," and the judgeship hereby created is designated "Judgeship, Place No. 2." The judge who has been in office as circuit judge the longest shall be the presiding judge, but if neither of them has been in office longer than the other, the chief justice of the Supreme Court shall name the presiding judge. Candidates for the office of circuit judge in the Twenty-ninth Judicial Circuit shall designate in their announcements of their candidacy the number of the judgeship for which they are candidates.

Section 3. The additional judge of the Twenty-ninth Judicial Circuit provided for by this Act shall have and exercise all the jurisdiction, powers, rights, and authority conferred on other circuit judges in this state. He shall receive the same compensation and allowances payable by the state as other circuit judges, and shall receive the same county supplement to his state salary and allowances as the other circuit judge in the Twenty-ninth Judicial Circuit. The judge shall take the same oath of office, possess the same qualifications, perform the same duties, and shall be subject to the same penalties and obligations as other circuit judges.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:20 A.M.

Act No. 430

H. 629—Merrill, Fite

AN ACT

To make an appropriation to the University of Alabama for the purchase of law library books in support of the Alabama Law Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund for each of the fiscal years ending September 30, 1970 and September 30, 1971 the sum of fifty thousand dollars (\$50,000.00) to the University of Alabama for the purchase of law library books in support of the Alabama Law Institute.

Section 2. This Act shall become effective October 1, 1969.

Approved August 19, 1969.

Time: 8:21 A.M.

Act No. 431

H. 681—Burgreen

AN ACT

Relating to the Board of Revenue of Limestone County; temporarily increasing the expense allowances for members of said board; fixing the salaries of the members, and reducing expense allowances effective with the new salaries.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the Board of Revenue of Limestone County shall be entitled to receive an additional expense allowance of \$200.00 per month. The associate members of the Board of Revenue of said county shall be entitled to receive an additional expense allowance of \$100.00 per month. The above expense allowances shall be paid out of the general funds of the county beginning with the first month following the effective date of this act. It is also provided that the above expense allowances be in addition to any other compensation now received by the chairman or the members of the Board of Revenue, and further provided that the chairman and board members shall be reimbursed for their actual expenses incurred for travel outside the county on official business.

Section 2. The chairman of the Board of Revenue shall receive a salary of \$10,500.00 per annum. The associate members of the Board of Revenue shall receive a salary of \$6,700.00 per annum. Salaries as provided above shall be paid in equal monthly installments out of the general funds of the county as prescribed by law, and shall become effective at the expiration of the terms of the incumbent members of the Board of Revenue.

Section 3. Upon the expiration of the terms of the incumbent members of the Board of Revenue, and upon the effective date of the salary increases as provided in Section 2 of this act, the expense allowance for the chairman and the members of the Board of Revenue shall be reduced to \$100.00 per month. It is provided however, that the chairman and board members shall still be reimbursed for their actual expenses for travel on official business outside the county.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, that should there be a statutory or constitutional prohibition preventing any of these public officers from receiving the prescribed compensation as of such date, the provisions of this Act shall become effective as to them immediately following the date on which such prohibition expires.

Approved August 19, 1969.

Time: 8:22 A.M.

Act No. 432

H. 691—Burgreen

AN ACT

To provide for the compensation and expense allowances for certain officers and employees of Limestone County; to provide additional allowances for the employment of deputies, clerks and other assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Limestone County shall receive the following salaries to be paid from the general funds in equal monthly installments as salaries of county employees are paid:

Probate Judge	\$10,500.00 per annum
Tax Assessor	9,500.00 per annum
Tax Collector	9,500.00 per annum
Circuit Clerk	9,500.00 per annum
County Solicitor	5,400.00 per annum

Such salaries shall be in lieu of all other compensation heretofore provided by law and all fees, commissions, percentages and other charges heretofore collected for the use of any of the above officers shall be collected and paid into the general fund of the county.

Section 2. The board of revenue, court of county commissioners or any like governing body shall provide to certain officers an additional monthly allowance for the purpose of increasing salaries of clerks, assistants or deputies as follows:

(a) The salaries of full time clerks in the tax assessor's office shall be increased by 5% of their present salary up to a maximum of \$367.50 per month. Part time clerks shall receive \$240.00 per month.

(b) The salaries of full time clerks in the tax collector's office shall be increased by 5% up to a maximum of \$367.50 per month. Part time clerks shall receive \$240.00 per month.

(c) The salary of the chief clerk in the office of the circuit clerk shall be increased by 5% up to a maximum of \$367.50 per month. The salary of the assistant clerk in said office shall be increased by 5% up to \$341.25 per month.

(d) The salary of the chief clerk in the office of the probate judge shall be increased by 5% to a maximum of \$392.50. The salary of each clerk in said office shall be increased by 5% up to \$341.25 per month. Part time clerks shall receive \$240.00 per month.

Section 3. The office of the circuit clerk is hereby authorized to hire one additional clerk for 90 days in each calendar year at a salary of \$240.00 per month.

Section 4. The office of the probate judge is hereby authorized to hire one additional clerk for the period beginning October 1st and ending December 31st, in each calendar year at a salary of \$240.00 per month.

Section 5. The salary of the coroner is hereby increased to \$125.00 per month, and his expense allowance for mileage is hereby increased to 10¢ per mile.

Section 6. The salary of the chief deputy and each deputy in the sheriff's office is hereby increased by \$50.00 per month. The salary of the jailers is hereby increased to \$350.00 per month.

Section 7. The sheriff is hereby authorized to hire one investigator and one additional jailer. The investigator shall be compensated as follows: For the first 90 days he shall receive \$480.00 per month, for the next nine months he shall receive

\$520.00 per month. After one year's service he shall receive an annual salary of \$6,900.00, which may be increased by the sheriff at his discretion to a maximum of \$7,620.00 per annum.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws, or parts of laws in conflict herewith are hereby repealed, and any general, local or special law heretofore enacted relating to the compensation of any officer or employee within the purview of this Act is hereby expressly repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law; provided that should there be a statutory or constitutional prohibition preventing any of the officers named in this Act from receiving the prescribed compensation immediately, the provisions of this Act shall become effective as to them immediately following the date on which such prohibition expires.

Approved August 19, 1969.

Time: 8:23 A.M.

Act No. 433

H. 693—Burgreen

AN ACT

Relating to Limestone County; fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Limestone County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars (\$5.00), and shall be collected by the sheriff.

Section 2. One dollar of each fee so collected shall be deposited in the general fund of Limestone County, and four dollars shall be deposited into a fund to be designated The Sheriff's Fund. This fund should be expended by a board consisting of the Chairman of the Board of Revenue, Superintendent of Education and the Limestone County Sheriff to be used for the betterment of law enforcement within the county.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:24 A.M.

Act No. 434

H. 706—Young, Smith

AN ACT

To regulate the sale and distribution of commercial fertilizers, fertilizer materials and other substances; requiring a license and permit for the sale thereof, prescribing the fee therefor, requiring labeling information; to levy an inspection fee upon the sale and distribution of fertilizers; prescribing the powers, duties and authority of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries for the administration and enforcement of this Act; providing for the assessment and payment of penalties for fertilizers deficient in claimed plant food value; authorizing the State Board of Agriculture and Industries to fix minimum plant food content, grades and ratios for fertilizers and to adopt rules and regulations for the administration and enforcement of this Act; other administrative and enforcement provisions including a penalty for violations of this Act; to repeal Article 16 of Chapter 1 of Title 2, Code of Alabama 1940, as amended; also, to repeal Act No. 365, Legislature of 1947, approved August 16, 1947.

Be It Enacted by the Legislature of Alabama:

Section 1. Title.—This Act shall be known as the “Alabama Fertilizer Law of 1969.”

Section 2. Enforcing Official.—(1) This Act shall be administered by the Commissioner of Agriculture and Industries of the State of Alabama hereinafter referred to as “COMMISSIONER”.

Section 3. Definitions of Words and Terms.—When used in this Act, the following words and terms shall mean: (a) “COMMERCIAL FERTILIZER” means any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, basic slag, gypsum and other materials or products regulated under Article 22, Title 2 of the Code of Alabama. (b) “FERTILIZER MATERIAL” means a commercial fertilizer containing one or more of the recognized plant nutrients, which is used primarily for its plant nutrient content and which either:

(1) Contains important quantities of no more than one of the primary plant nutrients (nitrogen, phosphorus and potassium), or

(2) Has approximately 85% of its plant nutrient content present in the form of a single chemical compound, or

(3) Is derived from a plant or animal residue or by-product or a natural material deposit which has been processed in such

a way that its content of primary plant nutrients has not been materially changed except by purification and concentration.

(c) "BULK FERTILIZERS" means commercial fertilizer distributed to the purchaser in a solid or fluid state in a non-packaged form. (d) "BRAND" means a term, design, or trade mark used in connection with one or several grades of commercial fertilizer or fertilizer material. (e) Guaranteed Analysis:

(1) "GUARANTEED ANALYSIS" shall mean the minimum percentage of plant nutrients claimed in the following order and form:

A. Total Nitrogen (N) per cent
 Available Phosphorous (P_2O_5) per cent
 Soluble Potassium (K_2O) per cent

B. For unacidulated mineral phosphatic materials both total and available phosphorus and/or the degree of fineness. For bone, tankage, and other organic phosphatic materials, total phosphorus.

C. Guarantees for plant nutrients other than nitrogen, available phosphorus and soluble potassium may be permitted or required by regulation of the Board. The guarantees for such other nutrients shall be expressed in the form of the element. The sources of such other nutrients (oxides, salt, chelates, etc.) may be required to be stated on the label. Other beneficial substances or compounds, determinable by laboratory methods also may be guaranteed by permission of the Commissioner with approval of the state Board of Agriculture and Industries with the advice of Directors of the Agricultural Experiment Station and the Cooperative Extension Service. When any plant nutrients or other substances or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the Board.

(2) At any time after the effective date of this Act, when the State Board of Agriculture and Industries finds, after public hearing following due notice, that the requirements for expressing the guaranteed analysis of phosphorus and potassium in elemental form would not impose an economic hardship on distributors and users of fertilizer by reason of conflicting labeling requirements among the states, it may require by regulation thereafter that the "guaranteed analysis" shall be in the following form:

Total Nitrogen (N) per cent
 Available Phosphorus (P) per cent
 Soluble Potassium (K) per cent

provided, however, that the effective date of said regulation shall be not less than six months following the issuance thereof, and provided, further that for a period of two years following the effective date of said regulation, the equivalent of phosphorus and potassium may also be shown in the form of P_2O_5 and K_2O ; provided, however, that after the effective date of a regulation issued under the provisions of this section, requiring that phosphorus and potassium be shown in the elemental form, the guaranteed analysis for nitrogen, phosphorus, and potassium shall constitute the grade.

(f) "GRADE" means the percentages of total nitrogen, available phosphorus and soluble potassium stated in whole numbers in the same terms, order and percentages as in the "GUARANTEED ANALYSIS". Provided however that fertilizer materials, bone meal, manures, and similar raw materials may be guaranteed in fractional units. (g) "OFFICIAL SAMPLE" means any sample of commercial fertilizer or fertilizer material taken by the Commissioner or his agent as prescribed in Section 10 and designated as "OFFICIAL" by the Commissioner. (h) "TON" means a net weight of two thousand pounds avoirdupois. (i) "PER CENT" and "PERCENTAGE" means the percentage by weight. (j) "PERSON" includes individual, partnership, association, firm, corporation or any combination thereof. (k) "DISTRIBUTOR" means any person who imports, consigns, manufactures, produces, compounds, mixes, or blends commercial fertilizer or fertilizer material, or who offers for sale, sells, barter, or otherwise supplies commercial fertilizer or fertilizer material in this State or for use in this State. (l) Words importing the singular number may extend and be applied to several persons or things and words importing the plural number may include the singular. (m) "LICENSEE" means a person who has been issued a license to manufacture and sell commercial fertilizer and fertilizer material under the requirements of Section 5 of this Act. (n) "BOARD" means the State Board of Agriculture and Industries. (o) "COMMERCIAL VALUE" as used in this Act means the value per unit of plant nutrient in dollars and cents as ascertained and published by the Commissioner under the provisions of Section 12 of this Act, which values shall be used in computing the dollar rates of penalties provided in this Act. The "COMMERCIAL VALUE" as determined under this Act is provided as a guide in determining the actual value of the commercial fertilizer and fertilizer material and shall not be construed to mean or imply that this Act in any manner intends to or attempts to be a sales price controlling or price fixing Act, or in any manner to fix, regulate or control the sales price of commercial fertilizer. (p) "SOIL CONDITIONER" or "SOIL AMENDMENT" means any material or mixture of materials used for

promoting or stimulating the growth of plants, grasses or crops, increasing their productivity or producing any chemical or physical change in the soil. (q) "LABEL" means all written, printed or graphic matter displayed upon the immediate container of, or statement accompanying, a commercial fertilizer, fertilizer material, soil conditioner or soil amendment. (r) "LABELING" means all written, printed or graphic matter, upon or accompanying any commercial fertilizer, soil conditioner or soil amendment, and all advertisements, brochures, posters or television and radio announcements used in promoting the sale of such products. (s) The term "commercial fertilizer" as hereinafter used in this Act shall mean and include "fertilizer material" as defined in (b) of this Section and the provisions and requirements of this Act applicable to "commercial fertilizer" shall also apply to fertilizer material.

Section 4. Permit.—Before any person shall sell or offer for sale or exchange in this State any commercial fertilizer to the user thereof, such person shall first procure a fertilizer dealer permit from the Commissioner authorizing such person to sell or exchange or deal therein. The permit shall be issued on payment of a fee of One Dollar (\$1.00), and such permit shall expire on the 30th day of September of each year. A permit as required hereunder shall be obtained for each separate place of business at which commercial fertilizer is sold or offered for sale to the user thereof. Any person required to procure a license under Section 5 of this Act shall not be required to procure a permit as herein required as it is the intent hereof that every person who purchases any commercial fertilizer for resale where such fertilizer is not manufactured, mixed, formulated or labeled by such person is required to obtain a permit required hereunder.

Section 5. Licensing.—(a) Before any person sells or offers for sale any commercial fertilizer in this State for use therein or before any person sells such fertilizer for importation into this State for use therein where such person is required to comply with the labeling requirements of Section 6 of this Act, such person shall apply for and obtain from the commissioner a license authorizing the sale of commercial fertilizer. The application for a license shall be accompanied by the fee hereinafter required and shall be on forms furnished by the commissioner which forms shall contain certain information as is necessary for the issuance of the license. All such licenses shall expire on September 30, the end of the fiscal year for which they are issued, and shall be renewed annually as of October 1, upon payment of the required license fee. The license fee shall be based upon the number of tons of commercial fertilizer sold in or for importation into the State for use therein during the preceding twelve-month period which ends on June 30.

The amount of the license fee shall be based upon the following schedule:

<i>Tons Sold</i>	<i>License Fee</i>
Less than 100 tons	\$25.00
100 tons or more but less than 1,000 tons	50.00
1,000 tons or more but less than 5,000 tons	100.00
5,000 tons or more but less than 10,000 tons	150.00
10,000 tons or more but less than 25,000 tons	200.00
25,000 tons or more but less than 50,000 tons	250.00
50,000 tons or more but less than 75,000 tons	300.00
75,000 tons or more but less than 100,000 tons	350.00
100,000 tons or more	400.00

If the license fee is not paid within a period of thirty days after the date on which payment thereof is due, a delinquent penalty of ten per cent of the amount due (minimum \$10.00) shall be added to the license fee. The license fee due hereunder, and delinquent penalty, shall constitute a debt and become the basis of judgment against the person required to obtain the license if not paid by such person as herein required. (b) The amount of the license fee required to be paid by persons not previously selling commercial fertilizer in or for importation into this State shall be the minimum fee of \$25.00 which license shall also expire on September 30 following the date of issuance at which time said license shall be renewable in accordance with (a) of this Section. (c) In the event of sale or other transfer of ownership of a commercial fertilizer manufacturing or sale facility by a person who has a license as herein required, such license may be transferred to the new owner, provided, however, the amount of such new owner's license required on October 1 shall be governed by the amount of the person's previous sales from whom said license was transferred.

It is hereby intended that every person who manufactures or formulates and labels any commercial fertilizer which is sold in or for importation into this State, or any person who labels such commercial fertilizer and sells it in or for importation into this State whether manufactured by such person or not shall be required to procure a license and pay the fee therefor as herein required.

Section 6. Labeling.—(a) Any commercial fertilizer sold in this State for use therein or sold for importation into this State for use therein in containers shall have printed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

- (1) The net weight
- (2) The brand and grade

(3) The guaranteed analysis

(4) The materials from which the plant nutrients are derived with the percentage of each as may be required by regulations of the Board

(5) The name and principal address of the manufacturer or other person responsible for placing it on the market.

(b) If distributed in bulk, a written or printed statement of the information required by items (1), (2), (3), (4), and (5) of paragraph (a) of Section 6 shall accompany delivery and be supplied to the purchaser at time of delivery. (c) A commercial fertilizer formulated according to specifications which are furnished by a consumer prior to mixing shall be labeled to show the information contained in Items (1), (3) and (5) of paragraph (a).

Section 7. Soil Conditioners, Soil Amendments, Etc.—Every person who sells or offers for sale in or for importation into this State any soil conditioner or soil amendment for which label or labeling claims are made that such a product contains plant nutrients shall be subject to all of the requirements of this Act for the sale of commercial fertilizer including the license and inspection fee requirement. If any label or labeling claims are made for the release of plant nutrients in the soil or of any bacterial action causing the release of plant nutrients in the soil in connection with the sale of any soil conditioner or soil amendment, a license authorizing the sale of the product shall be obtained from the Commissioner. The Commissioner may issue such a license in accordance with regulation promulgated by the Board.

Section 8. Inspection Fees.—(a) There shall be paid to the Commissioner for all commercial fertilizer sold in this State for use therein or sold for importation into this State for use therein an inspection fee at the rate of thirty cents per ton provided that sales to manufacturers or exchanges between them are hereby exempted. Fees so collected including permit fees and license fees levied under Sections 4 and 5 hereof shall be deposited to the credit of the Agricultural Fund of the State Treasury for the regulatory duties of the Department of Agriculture and Industries. (b) Every person who sells commercial fertilizer in or for importation into this State for use therein where such person is licensed under Section 5 of this Act, or where such person is required to procure such a license, shall file with the Commissioner on forms furnished by him a monthly statement for the period ending on the last day of each month setting forth thereon the number of tons of each grade of commercial fertilizer sold in or for importation into this State for use therein during such month; also, such person shall

include on such report any information of the type required by Section 9 of this Act when required to do so pursuant to rules and regulations promulgated by the Commissioner with approval of the Board. The monthly report of tonnage sales with the amount of inspection fees due thereon shall be due on or before the fifteenth day of the month following the report period. Each such report shall bear a certificate that the amount remitted is correct.

If the tonnage report as required herein is not filed and the payment of inspection fee is not made by the twentieth day of the month when due, a collection fee amounting to 10 per cent (minimum \$10.00) of the amount may be assessed against the licensee, and the amount of fees due and unpaid shall constitute a debt and become the basis of a judgment against the licensee. (c) When more than one person is involved in the sale, importation or distribution of a commercial fertilizer, the person who sells the fertilizer to a non-licensee for resale or use shall be responsible for reporting the tonnage and paying the inspection fee, unless the report and payment was previously made by another licensee. (d) The inspection fee levied hereunder, the permit fee required by Section 4 and the license fee levied under Section 5 of this Act shall be paid by cooperative marketing and purchasing associations and the exemptions allowed such organizations pursuant to Section 129, Title 2, Code of Alabama, or any other exemption statute, shall not relieve such associations from the payment of such fees. (e) Amounts improperly or illegally collected under the provisions of this Act as overpayments may be refunded to the person entitled thereto in accordance with Section 10 of Title 2, Code of Alabama as amended. (f) The Commissioner, his agents or employees, shall have the right to examine, review and audit the sales records of every person required to remit to the Commissioner the inspection fee levied hereunder to verify and determine the accuracy of the amounts remitted monthly as inspection fees and the amount due for a license as required by Section 5 of this Act. Every such person shall maintain records as will indicate accurately the tonnage of commercial fertilizer upon which inspection fees are due.

Section 9. Tonnage Reports.—(a) Each licensee shall furnish the Commissioner a report showing the number of tons of each grade of fertilizer sold in each county in the State semi-annually pursuant to regulations adopted by the Board. Said report shall be submitted not later than 30 days following the close of the six-month period. Provided, however, more frequent reports giving this information may be required by the Commissioner with the approval of the Board. This report may be made on a special summary form provided by the Commissioner or by submitting a copy of the invoice. No information furnished

the Commissioner under this section shall be disclosed in such a way as to divulge the operation of any person. (b) When more than one person is involved in the sale, importation or distribution of a commercial fertilizer, the licensee who distributes the fertilizer to a non-licensee is responsible for reporting the tonnage as under paragraph (c).

Section 10. Inspection, Sampling, Analysis.—(a) It shall be the duty of the Commissioner, who may act through his authorized agent, to sample, inspect, make analyses of, and test commercial fertilizers distributed within this State at such times and places and to such an extent as he may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this Act. The Commissioner, individually or through his agent, is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to commercial fertilizers subject to the provisions of this Act and the rules and regulations pertaining thereto and to the records relating to their distribution. (b) In drawing any official sample and in making any analysis, the officially adopted methods and terminology of the Association of Official Analytical Chemists shall be used. In cases not covered by such officially adopted methods and terminology, the Commissioner shall, as soon as practicable and from other sources deemed proper, adopt and publish appropriate methods and terminology. (c) The Commissioner, in determining for administrative purposes whether any commercial fertilizer is deficient in plant food, shall be guided solely by the official sample as defined in paragraph (g) of Section 3, and obtained and analyzed as provided for in paragraph (b) of this Section. (d) The results of official analysis of any commercial fertilizer which has been found to be subject to penalty or other legal action shall be forwarded by the Commissioner to the licensee at least ten days before the report is submitted to the purchaser. If during that period no adequate evidence to the contrary is made available to the Commissioner, the report shall become official. Upon request the Commissioner shall furnish to the licensee a portion of any sample found subject to penalty or other legal action. (e) The analysis, test and sampling of commercial fertilizers shall be made and conducted in accordance with and be subject to the provisions and requirements of Sections 496 through 503 of Title 2, Code of Alabama, 1940.

Section 11. Plant Food Deficiency.—(a) If the analysis shall show that a commercial fertilizer is deficient in one or more of its guaranteed primary plant nutrients (NPK) beyond the tolerances as established by regulation adopted by the State Board of Agriculture and Industries pursuant to Section 18, of this Act, a penalty shall be assessed in accordance with regu-

lations adopted by the Board. (b) Deficiencies in any other constituent or constituents covered under Section 3, paragraph (e), items B and C of this Act which is required to be or may be guaranteed shall be evaluated by the Commissioner and penalties therefor shall be prescribed by the Board; provided, however that in no case shall the penalty exceed the selling price of the fertilizer. (c) Nothing contained in this section shall prevent any person from appealing to a court of competent jurisdiction praying for judgment as to the justification of such penalties. (d) When an official sample of a lot of commercial fertilizer shows a deficiency beyond the tolerance allowed under regulations of the Board, a penalty shall be assessed in accordance with regulation promulgated by the Board which penalty shall be paid to the consumer by the licensee, and receipts shall be taken therefor and forwarded to the Commissioner within 60 days after receiving written notification of such deficiency and the amount of the penalty from the Commissioner. If any consumer of commercial fertilizer which has been determined by official analysis to be deficient and subject to penalty cannot be found, payment of the amount of such penalty shall be made to the Commissioner within a period of 60 days for deposit in the State Treasury to the credit of the Agricultural Fund. (e) Lots of fertilizer in manufacturing plants, on dealers' premises or elsewhere from which samples are drawn and which are determined to be deficient by official analysis or are not otherwise in compliance with the requirements of this Act, shall be subject to suspension from sale, seizure and condemnation in accordance with Section 20. Where any such lot of commercial fertilizer, or portions thereof, are sold by the licensee before the official analysis report is received by the Commissioner and before notice has been given to the licensee of such deficiency, the penalty shall be paid to either the consumer of such commercial fertilizer or to the Commissioner as provided in (e) hereof.

Section 12. Commercial Value.—For the purpose of determining the commercial values to be applied under the provisions of Section 11, the Commissioner shall ascertain and publish annually the fair market values per pound of nitrogen, available phosphorus, and soluble potassium in commercial fertilizers in this State. The values so determined and published shall be used in determining and assessing penalties.

Section 13. Recovery of Penalty.—In any case wherein the licensee fails or refuses to make payment to the consumer of a penalty within the time required, the consumer may institute legal action against the licensee for the recovery of such penalty as provided in Section 11. Any judgment against the licensee shall be double the amount of the penalty and shall

include a reasonable attorney's fee and court costs. In cases where the licensee is required to pay the amount of any penalty to the Commissioner for deposit to the credit of the agricultural fund and the licensee fails or refuses to make such payment within the time required, the Commissioner may institute legal action in a court of competent jurisdiction for collection of the amount of the penalty upon ten days notice to the licensee following the sixty day payment period.

Section 14. Minimum Plant Food Content, Ratios, Grades, Etc.—The Board shall have authority to establish standards of classification for commercial fertilizer according to ratios and grades by which its quality, condition, fertilizing or plant food value may be judged, to alter or modify such standards when found to be necessary. In pursuance thereof, the Board is authorized to establish, adopt and promulgate a list of minimum analysis ratios and grades for commercial fertilizers including minimum available plant food content for nitrogen, available phosphorus, and available soluble potassium; also, for super phosphate with potassium, nitrogen with super phosphate and super phosphate. The Board shall also be authorized to define and to adopt standards for the sale of specialty fertilizers together with conditions and restrictions under which they may be sold and to establish standards and minimum guarantees for plant nutrients other than nitrogen, available phosphorus and soluble potassium. Before the Board shall establish and adopt minimum plant food ratios, grades and other activities as herein authorized, it shall hold a public hearing open to all interested persons and it shall also request recommendations thereon from the Director of the Agricultural Experiment Station and the Cooperative Extension Service of Auburn University relating to the need for such action.

Section 15. Misbranding.—No person shall sell, offer for sale or distribute misbranded fertilizer. A commercial fertilizer shall be deemed to be misbranded if (a) its labeling is false or misleading in any particular, (b) it is distributed under the name of another fertilizer product, (c) it is not labeled as required in Section 6 of this Act and in accordance with regulations prescribed under this Act, and (d) it purports to be or is represented as a commercial fertilizer, or is represented as containing a plant nutrient or commercial fertilizer unless such plant nutrient or commercial fertilizer conforms to the definition of identity, if any, prescribed by regulation of the Board; in the adopting of such regulations the Board shall give due regard to commonly accepted definitions and official fertilizer terms such as those issued by the Association of American Fertilizer Control Officials.

Section 16. Adulteration.—No person shall sell, offer for sale or distribute an adulterated fertilizer product. A commercial fertilizer shall be deemed to be adulterated if (a) it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to beneficial plant life when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use, which may be necessary to protect plant life are not shown upon the label, and (b) its composition falls below or differs from that which it is purported to possess by its labeling.

Section 17. Publications.—The Commissioner shall publish at least annually and in such form as he may deem proper: (a) Information concerning the distribution of commercial fertilizer. (b) The results of analyses based on official samples of commercial fertilizers distributed within the state as compared with the guaranteed analyses.

Section 18. Rules and Regulations.—For the administration and enforcement of this Act, the Board is authorized to adopt and promulgate reasonable rules and regulations relating to the sale and distribution of commercial fertilizers necessary to carry out the full intent and meaning of this Act including but not limited to fixing tolerances for plant food deficiency penalty assessments pursuant to Section 11 of this Act, providing for the incorporation into commercial fertilizer of such other substances as pesticides and the proper labeling of such mixture together with such other rules and regulations reasonably necessary to implement, make specific and interpret the provisions of this Act. Notwithstanding any other provisions of this Act and specifically the provisions of Section 3 (e) relating to "Guaranteed Analysis", the Commissioner with the approval of the Board shall be authorized to require by rules and regulations that the guaranteed analysis of phosphorus and potassium for labeling purposes shall be expressed in the elemental form, but until such rules and regulations are duly promulgated and adopted, the guaranteed analysis shall not be required to be expressed in the elemental form.

Section 19. Short Weight.—If any commercial fertilizer in the possession of or consigned to the consumer is found by the Commissioner to be short in weight, the licensee who manufactures said commercial fertilizer shall, within thirty days after official notice from the Commissioner, pay to the consumer a penalty equal to four times the value of the actual shortage.

Section 20. Cancellation of Licenses.—The Commissioner is authorized and empowered to cancel the license of any licensee upon satisfactory evidence that the licensee has used fraudulent or deceptive practices in the evasions or attempted evasions of

the provisions of this Act or any rules and regulations promulgated thereunder; provided that no license shall be revoked or refused until the licensee shall have been given the opportunity to appear for a hearing before the Board, with the further opportunity of appealing to a court of competent jurisdiction for judicial review of such revocation or refusal.

Section 21. Suspension From Sale, Seizure and Condemnation.—Any lot or other quantity of commercial fertilizer not in compliance with the provisions of this Act or rules and regulations duly adopted and promulgated under this Act shall be subject to suspension from sale, seizure and condemnation. The issuance of a "Suspension from Sale or Use", or "Stop Sale" and seizure and condemnation of any lot or other quantity of commercial fertilizer sold, offered for sale or kept for sale in violation of the provisions of this Act shall be in accordance with such procedure as is now prescribed under Article 33 of Title 2 of the Code of Alabama of 1940.

Section 22. Penalty.—(a) Any person who shall violate any of the provisions of this Act or who fails to perform any duty or requirement imposed by the provisions of this Act or who violates any rule or regulation duly promulgated hereunder or who shall sell or offer for sale or distribute for sale any commercial fertilizer in violation of the requirements of this Act shall be guilty of a misdemeanor and upon conviction shall be punished as now prescribed by law for such an offense. (b) In addition to the penalty provided hereunder and notwithstanding the existence of an adequate remedy at law, the Commissioner may apply by a bill in equity to a circuit court or court of like jurisdiction and such court, or any judge thereof, shall have jurisdiction and for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from violating or continuing to violate any of the provisions of this Act or any rule or regulation promulgated under authority of this Act. Said injunction shall be issued without bond.

Section 23. Exchanges between Manufacturers.—Nothing in this Act shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or processors who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizer to manufacturers or processors.

Section 24. Severability Clause.—If any section, paragraph, sentence, clause or other portion of this Act shall be held to be invalid or unconstitutional, the remainder of the Act shall not be affected by such holding but shall remain in full force and effect.

Section 25. Repeal.—All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed. Article 16, of Chapter 1 of Title 2, Code of Alabama of 1940, as amended, and Act No. 365, Legislature of 1947, approved August 16, 1947 (Acts of 1947, p. 251) are hereby expressly repealed.

Section 26. Effective Date.—This Act shall be effective on October 1, 1969.

Approved August 19, 1969.

Time: 8:25 A.M.

Act No. 435

H. 722—Merrill, Lybrand, Hain, Steagall,
Blanton, Brassell, Manley

AN ACT

To amend Act No. 249, H. 492, of the Regular Session of 1967 (Acts, Regular Session 1967, p. 629), which provides for the organization, creation, and operation of the state law institute so as to provide further for the composition of the governing body of the institute.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 249, H. 492, of the Regular Session of 1967 (Acts, Regular Session 1967, p. 629), entitled "An Act to provide for the organization, creation, and operation of a state law institute as an official advisory law revision, law reform, and legal research agency of the State of Alabama," is hereby amended to read as follows:

"Section 1. The board of commissioners of the Alabama State Bar may organize, create, and establish a state law institute as an official advisory law revision and law reform agency of the State of Alabama. The institute shall have such members, officers, and committees as the board of commissioners of the Alabama State Bar may direct, but the governing body of the institute shall be a council composed of ex officio members and elected members as follows:

- 1) One justice of the Supreme Court of Alabama selected by the justices thereof;
- 2) One Judge of the Court of Appeals of Alabama selected by the judges thereof;
- 3) One circuit court judge selected by the association of circuit court judges;
- 4) One federal judge residing in Alabama selected by the federal judges residing in Alabama;
- 5) The attorney general of the State of Alabama;
- 6) The legal adviser to the Governor of Alabama;

- 7) The chairmen of the judiciary committees of the senate and house of representatives, or any attorney appointed by either of them who is a member of the judiciary committee;
- 8) The president and secretary of the Alabama State Bar;
- 9) The chairman of the junior bar section of the Alabama State Bar;
- 10) The dean of the University of Alabama School of Law;
- 11) The dean of the Cumberland School of Law of Samford University;
- 12) The dean of each privately-operated law school in the State of Alabama whose graduates are admitted as candidates for examination and admission to the Alabama State Bar;
- 13) The President and Secretary of the Alabama State Law Institute;
- 14) The attorney members of the Legislative Council of Alabama, together with the secretary of the Legislative Council;
- 15) Not less than three nor more than six attorney members appointed by the Governor of Alabama for terms to run concurrently with the term of the Governor.
- 16) The director of the Continuing Legal Education program, sponsored by the Alabama State Bar, the University of Alabama Law School and the Cumberland School of Law of Samford University;
- 17) All elected members of the American Law Institute who reside in Alabama.

"The elected membership shall consist of two members who shall be elected from the members of the faculty of the University of Alabama School of Law; two members who shall be elected from the members of the faculty of the Cumberland Law School of Samford University; and sixteen practicing attorneys of the State of Alabama, two for each congressional district.

"The term of office of the members of the judiciary who are ex officio members of the council shall be four years. The other ex officio members shall hold their positions during their respective terms of office. The terms of office of the elected members of the council shall be four years. The terms of office of the first elected members shall be fixed and determined by the board of commissioners of the Alabama State Bar and their successors shall be elected for terms of four years under such rules as the board of commissioners may adopt. Elected members of the council shall be eligible for re-election.

"Vacancies in the elected membership created by death, resignation or otherwise than by the expiration of the terms of

office shall be filled by the council under such rules as it may adopt. Vacancies occurring through the expiration of terms of office shall be filled by election by the council under such rules as it may adopt."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:26 A.M.

Act No. 436

H. 726—Collier

AN ACT

Relating to Elmore County: abolishing the Elmore County Law & Juvenile Court and establishing in lieu thereof a court of record to be known as the Elmore County Court; defining the court's jurisdiction and powers; providing for its officers, and for their powers, duties, and compensation; providing for the creation of two divisions of the court, to be known as "The Tallassee Division" and "The Wetumpka Division"; providing for the holding of terms and the session of the divisions; providing for the rules and procedure of the court; providing for fees and costs of Court; and providing for the transfer of all cases pending in the Elmore County Law & Juvenile to the Elmore County Court.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Elmore County, a court of record to be known as and called the Elmore County Court, which Court shall have and exercise civil and criminal jurisdiction as hereinafter provided.

Section 2. The Elmore County Court shall have civil jurisdiction in all civil matters of which justices of the peace of Elmore County have jurisdiction under the general laws of the State of Alabama, concurrently with the several justices of the peace in the county; and in addition thereto, the court shall have jurisdiction, concurrently with the circuit court of Elmore County, of all matters, suits, and actions at law which are in amount more than the jurisdiction of the justices of the peace, and not more than \$1,200, and when the value of the property sued for in a suit in detinue is not more than \$1,200; provided, however, that the court shall not have and exercise civil jurisdiction of actions in the nature of ejectment; and the court shall have original jurisdiction, concurrently with the circuit court of Elmore County, of all misdemeanors committed in the county. It shall have preliminary jurisdiction of all felonies, and of bastardy and of other criminal and quasi-criminal proceedings cognizable before justice of the peace courts. The court shall have jurisdiction of all matters, suits, and actions cognizable

before a juvenile court, and the provisions of Chapter 7, Title 13, Code of Alabama 1940, as amended, shall apply; and of all cases of desertion and non-support arising under the provisions of Article 3, Chapter 4, Title 34, Code of Alabama (1940). The jurisdiction of the Elmore County Law and Juvenile Court, as hereinabove provided, shall be co-extensive with the county. The court may suspend execution of sentence and place on probation any person convicted of a misdemeanor, the same as the circuit court, and the period of probation or suspension of execution of sentence shall be determined by the court.

Section 3. The judge of the court shall have been a resident in and a qualified elector of the county for at least two years at the time of his appointment or election, and shall reside in the county during his continuance in office. He shall be at least 25 years of age, learned in the law and shall have been admitted to the practice of law in this State. He shall not during his term of office act as attorney in any case or matter that has previously been in or is in this court, but may practice in all other matters and all other courts. This act shall become a law and be in full force and effect upon its passage and approval by the Governor, but it shall not affect the term of office of the present judge of the Elmore County Law & Juvenile Court or his successor in office. Such incumbent judge shall be the judge of the court created and established herein until the first Monday after the second Tuesday in January, 1975, and until his successor is elected and qualified as now required by law, or as provided in this act. He shall perform the duties, and receive the compensation as herein provided for the judge of this court.

Section 4. The term of office of the judge of this court, who shall be elected by the qualified electors of the county, at the general election for state and county officers in the year 1974 and every six years thereafter, shall be for six years from the first Monday after the second Tuesday in January, 1975, and until his successor is elected or appointed and qualified. Upon the passage and approval of this act, or upon its otherwise becoming a law, the Governor shall issue a commission to the incumbent judge of the Elmore County Law & Juvenile Court at the time this act becomes effective as judge of the Elmore County Court, as herein provided; and after the election of the judge of this court as herein provided the Governor shall likewise issue to him a commission as such judge. Before entering upon the duties of his office, the judge of this court shall take the oath of office in the form required by law to be taken by judges of the circuit court of this State and he shall be removed from office for the same causes and in the same manner as is now or may be hereafter provided for removal of circuit judges. In the event of the vacancy caused by the resignation, removal

or death of the judge, or for other causes, the Governor shall fill the office by appointment and the person so appointed shall hold office as provided for in Section 158 of the Constitution of this State. In case the judge shall be unable at any time to discharge the duties of his office by reason of sickness, disqualifications, or other causes, the judge shall make, or cause to be made by the clerk thereof, when the facts warrant it, an order setting forth the reasons of his inability to sit in the court, and the order shall be spread on the minutes of the court. Thereupon, the clerk of this court shall designate and appoint in writing, which appointment shall be spread on the minutes of this court, some practicing attorney of the county or State of Alabama who is learned in the law, as special judge thereof, and the person so designated and appointed shall perform all of the duties and exercise all of the powers and authority of the judge of this court, and shall hold said office until the regular judge thereof shall resume his duties. The said special judge shall receive not less than \$5.00 nor more than \$50.00 as compensation for his services for each day he serves as judge of this court, said compensation to be fixed by the clerk of said court payable in the same manner and from the same funds as the compensation of the regular judge is paid. The regular judge of this court shall have authority to administer oaths, and take acknowledgments and affidavits in all cases, and to solemnize marriages, the same as circuit judges of this State.

Section 5. The judge of the Elmore County Court shall receive a salary of Ten thousand dollars (\$10,000) per annum, payable in equal monthly installments out of the general fund of the county, upon the warrant of the probate judge. Such judge is hereby authorized and directed to issue monthly warrants which shall be a preferred claim against the general fund.

Section 6. The clerk of the Circuit court of the county shall act and be clerk of the Elmore County Court, hereby established, and he shall keep a civil and criminal docket of all cases brought before the court, and all of the minutes and records as are now required by law to be kept by clerks of the circuit courts, and he shall have authority to issue all necessary summonses and complaints as to all cases filed in the court, and all other civil and criminal process which clerks of the circuit courts are now required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in the court. It shall be the duty of the clerk to tax and collect in each civil and criminal case in the Elmore County Court the same costs and fees for services of the solicitor, the clerk, the sheriff, and the witnesses as are now allowed by law to be taxed, charged, and collected in the circuit court of this State, which he shall disburse as is now required of said fees

in the circuit courts of Elmore County, except as may be hereinafter provided. It shall also be the duty to collect, or receive from the sheriff, all fines and forfeitures in the court, which together with the solicitor's fees taxed and collected in the court, he shall pay into the fine and forfeiture fund of the county, in the same manner as now provided for the disposition of such funds in the circuit court of Elmore County. The clerk shall tax in each civil case, except when the amount involved is less than \$101.00, a trial fee of two dollars and shall tax in all criminal cases a trial fee as hereinafter provided, to be collected as all other costs are collected, and when collected, to be paid into and become a part of the general fund of the county. The court costs and fees in all prosecutions in the Elmore County Court for violations of the prohibition laws, for carrying a concealed weapon, and for petit larceny or offenses of petit larceny grade, adultery, and assault with a weapon, shall be the same as those prescribed for county courts by the general laws of the state, except that the trial tax in such cases shall be three dollars. The court costs and fees for misdemeanors other than violation of the prohibition laws, carrying a concealed weapon, petit larceny or offenses punishable like petit larceny, adultery, and assault with a weapon, in bastardy proceedings, in peace proceedings, and in preliminary examinations shall be the same as those prescribed by the general laws of the state; provided, that in all such cases the trial tax shall be one dollar and no solicitor's fee shall be taxed as a part of the cost. Witness fees taxed and collected in civil cases shall be retained by the clerk and paid over to any witness entitled to such fee, who in not more than five days proves his attendance upon the court in any case therein pending by obtaining a witness certificate, and who presents to the clerk such certificate for payment within ninety days after the payment of costs in the cases in which the certificates were issued. No costs shall be taxed in any civil case for witness fees of any witness who fails to prove his attendance as a witness and to obtain a witness certificate within the five day period prescribed. In case any civil witness certificate is issued, but not presented for payment within ninety days after the payment of costs in the case in which the certificate was issued, the witness fee shall revert to the general fund of the county. The clerk shall pay to the county treasurer, for the use of the general fund, all such reverted fees in his hands on the first Monday of each month. State witness fees in criminal cases shall be taxed, collected, paid into, and disbursed from the fine and forfeiture fund of the county. Each witness attending court in civil cases shall be entitled to seventy-five cents per day and five cents per mile actually travelled by the most direct route in going to court and returning home and the witness fees shall be taxed as a

part of the costs and shall be collected and disposed of as herein provided. It is expressly provided that Act No. 586 approved September 8, 1967 (1967 Acts of Alabama, Volume II page 1358 and 1359), shall apply to said Court, and that the costs and fees provided for therein shall be collected in addition to the costs and fees provided for in this Act. The clerk shall attend upon the sessions of the court at such hours as are designated by the judge thereof and shall perform such other duties as may be prescribed by the judge of the court and by this act, either in person or by deputy. The clerk shall issue certificates of judgments of the court, in the same form as is now provided by law for issuance of certificates of judgments from the circuit courts. The owner of any judgment rendered by the court may file in the office of the judge of probate of any county in this State such certificate of judgment issued by the clerk as hereinabove provided, under the same procedure and in the same manner as is now or may hereafter be provided for filing certificates of judgments rendered by the circuit courts of this State; and when so filed such judgments shall be a lien in the county where filed on all property of the defendant which is subject to levy and sale under execution. The filing of such certificate of judgment shall be notice to all persons of the existence of the lien thereby created. Such lien shall continue for ten years from the date of such judgment and no insolvency proceedings or declaration of insolvency shall affect or impair such lien, except bankruptcy proceedings instituted within four months after the filing of the certificate, provided by law. Execution may be issued at any time within ten years from the date of such judgment, whether execution has been previously issued or not. The clerk of the court, before entering into the duties of his office, shall give bond in such penal sum as may be prescribed by the court of county commissioners of the county, payable and conditioned as are official bonds required of clerks of the circuit courts, to be taken and approved by the judge of probate of the county, and recorded in the probate office of the county. There shall be the same liabilities and remedies upon said bonds as upon bonds of the clerks of the circuit court of this state. The premium on the bond or bonds shall be paid out of the general fund of the county.

Section 7. The sheriff of Elmore County shall, in person, or by deputy, be required to attend upon the court and to preserve order and execute all writs or process issued therefrom, and to perform such other duties in all respect as he is required by law to perform in the circuit court of Elmore County.

Section 8. The deputy solicitor for the county shall prosecute for the state all criminal cases in the court created by this act. His entire compensation shall be a salary of Four thousand

eight hundred dollars (\$4,800) per annum, to be paid out of the general fund of the county in equal monthly installments on the warrant of the probate judge. Such warrants shall be preferred claims against the general fund of the county.

Section 9. There shall be a Tallassee Division and a Wetumpka Division of the Court. The Tallassee Division shall include and be composed of the following beats or precincts in Elmore County, viz: Precinct 1, precinct 2, precinct 3, precinct 4, precinct 13, and precinct 19; and the Wetumpka Division shall include and be composed of the following precincts in Elmore County, viz: Precinct 5, precinct 6, precinct 7, precinct 8, precinct 9, precinct 10, precinct 11, precinct 12, precinct 14, precinct 15, precinct 16, precinct 17, and precinct 18. The sessions of the court of the Tallassee Division shall be held at some place in the city of Tallassee or in the police jurisdiction thereof, and the sessions of the court of the Wetumpka Division shall be held at the Court house in the City of Wetumpka. The court, at the discretion of the judge, shall be open any day during the week, except Sunday, for the trial of cases coming within the jurisdiction of the court. On the first and third Mondays of each month there shall be held a session of the court for the handling, trial, and disposition of all criminal and quasi-criminal cases therein pending in the Wetumpka Division of Elmore County, which shall continue as long as necessary to dispose of the docket; and on the second Monday of each month there shall be held a session of the court for the handling, trial, and disposition of all cases therein pending in the Tallassee Division of Elmore County, which shall continue as long as necessary to dispose of the docket. On the fourth Monday of each month, there shall be held a session of the court in the Wetumpka Division for the handling, trial and disposition of all civil cases therein pending which shall continue as long as necessary to dispose of the docket. But any session of the court in either of the divisions may be dispensed with and continued by the judge when, in the opinion of the judge, the public good or public necessity requires such continuance. As to all civil and criminal actions of which the court shall have jurisdiction, the venue of the acts shall be determined as if each of the two divisions of the county hereinabove provided for constituted a separate county, except that after any actions instituted in either division of the court, the judge of the court shall have the power and authority to order the transfer or removal of any such action to the other division of the court for trial. All suits and actions on contract or in tort except as otherwise provided in this act must be brought in the division in which the defendant or one of them resides or in which the debt was created or cause of action arose.

Section 10. All prosecutions for misdemeanors may be instituted in the court by making affidavit before the judge or the clerk of the court, and the writ on said affidavit shall be issued by the clerk. In all preliminary proceedings in prosecutions for felonies begun in the court, the same may be instituted by affidavit before the judge or clerk, and the writ thereon shall be issued by the judge or the clerk. When the defendant is arrested on affidavit and the warrant charging a misdemeanor the case shall go to the docket for trial and be tried as though the defendant has been indicted by a grand jury, except as hereinafter provided. The defendant shall not be put upon trial in any cause within five days of his arrest, except with his consent. The judge of the court shall have the right and authority to issue all processes returnable into his court that are not especially provided to be issued by the clerk of the court, but he shall not prepare any summons and complaints, garnishments, detinue attachments, papers or other writs of process issuing out of said courts. All writs must be made returnable to the division of this court in which the alleged crime was committed.

Section 11. All criminal cases in the court shall be tried by the judge thereof without a jury, and the accused shall not have the right to demand a trial by jury, but in all trials of criminal cases in the court, the judge shall determine both the law and the facts without the intervention of a jury, and in cases of conviction the defendant shall have the right to appeal to the circuit court as provided for in Section 326 of Title 13 of the Code of Alabama (1940,) except that appeal bonds shall be approved by the clerk of the court, and a jury trial may there be had on the demand of the defendant, made at the time of taking the appeal.

Section 12. A party aggrieved or desiring to bring a charge of misdemeanor before this court may, upon applying to the judge or clerk for a warrant of arrest and upon making affidavit in writing that he has probable cause for believing and does believe, that a specifically identified property, as the case may be, then the judge or clerk of the court shall examine the affiant under oath, and other witnesses if he so desires, touching the offense charged in the affidavit, and if the judge or clerk has probable cause for believing that the offense alleged in the affidavit has been committed he shall issue his warrant of arrest as hereinabove provided. When there is an objection to the validity or sufficiency of any affidavit, complaint, or warrant pending in this court or when a defect appears in any of the same, the solicitor or other person prosecuting for the state shall have the right to amend any or all the papers to which the objection is directed, or where such defect appears; or the

solicitor may instead of amending the papers, make a brief statement of the cause of complaint signed by him, which may be substantially in the form provided in Section 259 of Title 15 of the Code of Alabama (1940) as amended and may be amended as herein provided. Thereupon the court shall proceed to try the case either upon the original papers or the original as amended, or upon the statement or statements filed by the solicitor or other person prosecuting for the state.

Section 13. All proceedings in the court as to judgment for fine and costs, confession of judgment and executions thereon, sentence to jail or hard labor for fines and costs, and as additional punishment, bail, conditional judgments, forfeitures, judgments, final and alias warrants of arrests, shall be the same in the Elmore County Court, as are now, or may hereafter be, provided for by law in the circuit court; and conditional judgments may be set aside therein, reduced, or made absolute and the same orders and judgments may be made and taken in such matters as could be made or taken in the circuit courts; and the same procedure shall be followed, except as otherwise provided by this act.

Section 14. The trial of all criminal appeals from this court in the circuit court shall be de novo, and without any indictment or presentment by the grand jury; but the solicitor shall make a brief statement of the cause of complaint signed by him, in substantially the form prescribed by Section 259 of Title 15 of the Code of Alabama (1940), as amended, or the trial may proceed upon the original affidavit or complaint. On the trial of such appeal, the court shall be governed by the same rules as to evidence, practice, finding of the jury, and punishment as if the case had originated in that court.

Section 15. All general laws relating to misdemeanors, now in force or that may hereafter be enacted, shall apply to and extend to this court, unless the contrary be expressly provided or limited by the laws so enacted.

Section 16. In all civil actions in this court, the pleadings and process and the time for filing pleadings shall conform to and be governed by the statute and rules obtaining in the circuit court of Elmore County, except that the issuance, levy, and collection of executions from this court shall be controlled by the laws now applicable to justice courts of this state, and the defendant shall have only ten days to plead, answer, or demur to a complaint filed against him.

Section 17. In all civil matters in this court the trial of the same shall in all respects be governed by the same rules

of pleading, evidence, procedure, and practice as now prevail or govern in the circuit courts of this state, except as herein-after provided. A party litigant after being served with statutory interrogatories shall be required to answer the interrogatories within thirty days, and upon his failure to do so shall be subject to the same pains and penalties as are now provided by law for failure to answer interrogatories propounded in the circuit court. Any party desiring to appeal from any judgment rendered in this court, except from judgments for the possession of real estate, may give security for the cost of the appeal in the form of an appeal bond, said bond to be approved by the clerk of said court; provided that if the party appealing desires to have the judgment superseded, when the judgment is for the payment of money or for the recovery of possession of personal property he may do so by giving a supersedeas bond with good and sufficient security or surety in such an amount as herein provided payable to the adverse party and approved by the clerk with the condition that if he fail in the appeal he will pay such judgment as the circuit court may render in the premises and all such cost and damages as any party aggrieved may sustain by reason of the wrongful appeal and suspension of the execution of the judgment. The appeal bond and security of surety for court cost and supersedeas bonds must be filed with and approved by the clerk within ten days from the date of the rendition of the judgment. The supersedeas bond shall be in an amount double the mount of the judgment and cost of court in the case of a judgment for the payment of money; and shall be in the amount double the value of the personal property recovered in the suit and court costs, in the case of a judgment for the recovery of or possession of personal property. Any party desiring to appeal from any judgment rendered in this court for the possession of real estate may do so and that appeal shall be governed in all respects, including time allowed within which to take the appeal, amount and condition of appeal bond and in all other respects, by the general laws of this state relating to appeals in such cases from judgments of justice of the peace courts. Notice of all appeals in civil cases from this court shall be given the adverse party in such manner and for such time as is prescribed by the general laws of this state relating to notice of appeals from judgments rendered in justice of the peace courts.

Section 18. All civil cases in this court shall be tried by the judge without the intervention of a jury. The judge shall determine both the law and the facts, and either party shall have the right to appeal to the circuit court as hereinabove provided, and on appeal either party may demand a trial by

jury on the trial in the circuit court and the trial in the circuit court shall be de novo.

Section 19. Final judgments rendered in civil causes in such court shall after the expiration of ten days from their rendition be taken and deemed to have passed beyond the control of the court, as if such term of the court at which the judgments were rendered had ended; provided, however, that nothing herein contained shall prevent the parties from filing a motion to vacate, set aside, or modify such judgment or grant a new trial or rehearing within ten days, or change or destroy the office of motion for a new trial or rehearing, when so made. Such motions shall be filed with the clerk of the court and called to the attention of the court, and the court may thereupon hear the motion or make an order continuing the motion for hearing at a future day, which motion shall be heard and determined within thirty days from the date of rendering the judgment.

Section 20. The judge of this court shall have the power to impose fines and sentence to hard labor upon convictions in misdemeanor cases, and to punish for contempt by fine not to exceed \$50.00, and imprisonment in the county jail not to exceed five days, either or both, the same as judges of the circuit courts of this state. The judge of this court shall also have power to issue, hear, and determine writs of habeas corpus. The procedure, practice, and rules of the circuit courts of Alabama relating to such writs as are now, or which hereafter may be provided by law shall prevail in the Elmore County Court, and appeals from judgments or decrees in habeas corpus proceedings shall be governed by Code 1940, Title 15, Section 369. The judge shall have the same power relating to such writs as is now, or hereafter may be, conferred upon the judges of the circuit courts of Alabama; and such power shall extend to all cases where the judges of the circuit courts have the authority to issue such writs.

Section 21. The judge of this court shall keep an office in the court house of the county, or in such other suitable place in the county as the court of county commissioners may provide; and it shall be the duty of the court of county commissioners to provide an office for the judge, and to furnish and supply the office with the necessary fixtures, stationery, stamps, telephone, lights, heat, and other necessary supplies for the judge of this circuit; and it shall be the duty of the court of county commissioners, and they are hereby directed and authorized, to supply the clerk of the court the necessary minute books, dockets, blank forms, record books and such other books, records

and blank forms, as are reasonably necessary to the dispatch of the business of this court.

Section 22. The Elmore County Law & Juvenile Court is hereby abolished and all cases and causes now pending in such court, together with the records pertaining to such pending cases, are hereby transferred to the Elmore County Court. Immediately upon the passage and approval of this act or upon its otherwise becoming a law, such court shall assume complete jurisdiction over all such pending cases, and shall have the same power and control over the same as if they had been originally filed in the Elmore County Court, except as to appeals in habeas corpus cases. The clerk of this court shall enter on the appropriate dockets of this court, all cases now pending in the Elmore County Law and Juvenile Court. All judgments heretofore rendered by such court shall be the same and shall have the same force and effect as if they had been rendered by the Elmore County Court, and such court shall have the same power and control, except as to appeals in habeas corpus cases, over such judgments and shall issue executions and all other processes thereon, the same and as fully and completely as if such judgments had been originally rendered in the Elmore County Court. All of such executions and other processes issued on judgments heretofore rendered by the Elmore County Law and Juvenile Court shall be issued by the clerk of the Elmore County Court.

Section 23. If, for any reason any section, clause or provision of this act shall be declared to be invalid, or unconstitutional, it shall not be held to affect any other section, clause or provisions, but the same shall remain in full force and effect.

Section 24. All laws and parts of laws, whether local, general or special, in so far as they conflict with the provisions of this act, are hereby repealed.

Section 25. This act shall become effective October 1, 1969.

Approved August 19, 1969.

Time: 8:27 A.M.

Act No. 437

H. 774—Snell

AN ACT

To provide, in any county of the State of Alabama having a population of not less than 37,000 or more than 41,000, according to the last or any subsequent decennial census for the incorporation of an authority

to lease or own or otherwise acquire and provide, control and operate coliseums, parks, exhibits, exhibitions, fairgrounds and other installations, facilities, and places for the amusement, entertainment, recreation and cultural development of the citizens of said county; to provide for the management of said authority by a board of directors; to provide for the appointment, and term of office and removal of said directors; to provide for the powers of such authority; to authorize the county, or any city within such county, to lease or sell and convey to the authority real or personal property; to provide for the terms and conditions on which said authority may conduct, operate, manage or promote amusements or recreational activities; to empower such authority to construct or acquire recreational facilities and installations for amusement; to empower the authority to borrow money and issue bonds and execute mortgages or other conveyances as security for money so borrowed; to authorize the county or any city within said county to make appropriations or to lend money to the authority; and to accord the authority exemption from state, county and city taxation.

Be It Enacted by the Legislature of Alabama:

Section 1. Provision is hereby made for the incorporation of an authority in any county of the State of Alabama having a population of not less than 37,000 nor more than 41,000, according to the last or any subsequent Federal decennial census, which authority shall have the power to lease, or own, or otherwise acquire and provide, control and operate, coliseums, parks, exhibits, exhibitions, fairgrounds and other installations, facilities and places for the amusement, entertainment, recreation and cultural development of the citizens of such county. Whenever four qualified electors of the State, who shall be residents of the county in which facilities are to be located, shall file an application in writing for a permit to apply for the incorporation of an authority in the manner hereinafter provided with the board of county commissioners or other governing body of such county, if the governing body of such county shall pass a resolution which shall be entered upon the minutes of such county, which said resolution shall provide that the said governing body deems it wise, expedient, necessary, or advisable that said authority be formed and shall authorize the persons making the application to proceed to form said authority and to serve as the first directors thereof for terms commencing from the day of incorporation and running for the respective periods prescribed in Section 4 of this act, then such persons making such application shall proceed to execute, file and record a certificate as hereinafter provided for the purposes hereinafter set forth. The said application shall set forth the name which is to be adopted and used by said authority; and no name shall be used unless the use thereof is approved by the governing body in such resolution.

Section 2. Certificate of Incorporation. A certificate of incorporation shall be entitled and endorsed "Certificate of

Incorporation of Authority," (blank space being filled in with the name of the authority) and shall state the name of the authority; the location of its principal office and post office address thereof; the names of seven directors who shall be the managers and officers of the authority until their successors are chosen, and who shall serve from the date of incorporation without compensation; the period, if any, for the duration of the authority; if the duration of the authority is to be perpetual, this fact shall be stated; the certificate of incorporation of such authority may also contain any provision not contrary to law which the incorporators may choose to insert for the regulation of business for the conduct of the affairs of the authority; and any provisions creating, defining, limiting or regulating the powers of the authority, its directors and members.

Section 3. Acknowledgment and Recording of Certificate. The certificate of incorporation shall be acknowledged before an officer authorized by the laws of this state to take acknowledgment of deeds. When so acknowledged the certificate may be filed with the judge of probate of the county in which such authority is located, who shall forthwith file such certificate and record the same. When application has been made, filed and recorded, as herein provided, the applicants shall constitute a public corporation under the name proposed in the application.

Section 4. Board of Directors of Authority. Such authority formed under this subdivision shall constitute a public benefit agency of the state of Alabama and shall have a board of directors of seven members. Such board of directors shall constitute the governing body of the authority. The members of said board of directors shall serve without compensation, except they shall be reimbursed for actual expenses incurred in and about the performance of their duties hereunder. No member of the board of directors shall be an officer of the county. The original and all subsequent directors shall be elected by the governing body of the county, and they shall be so elected that they shall hold office for staggering terms. For the purpose of so staggering the terms, the directorships shall be numbered one through seven inclusive. The first term of office of each director shall be for a number of years corresponding to the number of the directorship which he holds; and, thereafter the term of office of each director shall be seven years. Any person appointed to any vacant directorship during any term of such directorship shall be deemed appointed for the remainder of such term; provided, that if any person be appointed to any vacant directorship during the last six months of any term of such directorship, he shall be deemed

appointed for the remainder of such term and for the next succeeding term of such directorship. The incumbent of a directorship may be removed from the board of directors by the commission or other governing body of the county for inefficiency, neglect of duty or malfeasance after a fair hearing or opportunity therefor. Every appointment or removal of a director shall be by resolution of the commission or other governing body of such county. A chairman and vice-chairman of said authority shall be elected by the authority from among its members, and a secretary shall be appointed, who may be or may not be a member of said board. In the absence or incapacity of the chairman, the vice-chairman shall serve as chairman and may perform such acts and duties as the chairman is authorized to perform. The power of said authority shall be vested in and exercised by the majority of the members of the authority then in office. The said authority may delegate to one or more of its members or its officers, agents and employees such power and duties as it may deem proper, and shall appoint a treasurer, who may or may not be a member of the authority, to act as custodian of all the funds, from whatever source derived, received by said authority, and shall deposit said moneys in a separate account or accounts in one or more banks or trust companies which are duly qualified and doing business in the state of Alabama; provided, however, the authority may by resolution or by trust indenture securing the issuance of bonds herein authorized designate a fiscal agent or trustee, which shall be a bank or trust company duly qualified to do business in the state of Alabama, and may authorize such fiscal agent or trustee to receive and disburse, upon such terms and conditions (and subject to such exceptions, if any) as may be specified in such resolution or trust indenture, all funds applicable to payment of said bonds. All such banks and trust companies are authorized to give security for moneys deposited with it.

Section 5. County or any City Within Such County May Lease, Sell, Donate or Convey to Authority Without Election: Covenant Not to Compete. The County, or any city within the county, is authorized, but not required, to lease, sell, donate or otherwise convey to the authority, real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of said county, or any city within such county, and the governing body of said county, or any city within such county, is hereby authorized to enter into any agreements which such authority may deem necessary in order to effectuate such lease, sale, donation or transfer. Said county, or any city within such county, is further authorized to covenant with the authority, which covenant shall likewise

constitute a contract with the holders of any revenue bonds, notes or other obligations thereafter issued by the authority, that it will not acquire, construct or operate, or permit the acquisition, construction or operation within said city, of any fairgrounds, exhibits, exhibitions, or other installations, facilities and places of amusement, entertainment, recreation and cultural development, in competition with the authority, so long as any bonds, notes or other obligations of the authority shall remain outstanding.

Section 6. Powers of Authority. The authority shall have the power (a) to sue and be sued; (b) to have a seal and alter the same at pleasure; (c) to appoint officers, agents and employees, including attorneys, and to fix their compensation; (d) to make by-laws for the management and regulation of its affairs; (e) to make contracts, and to execute all instruments necessary or convenient to lease or purchase and own real or personal property to be used for the furtherance of the purposes for the accomplishment of which said authority is created; (f) to construct or reconstruct or repair and maintain and operate, auditoriums, grandstands, areanas, fairgrounds, coliseums, and other installations and facilities, for the amusement, recreation and education of the citizens of the county; (g) to promote, sponsor and operate tournaments, shows, exhibitions and other amusements and recreational activities; (h) to charge fees for admission; (i) to lease or sublease to the state of Alabama or to any agency, political corporation or subdivision thereof, or to other persons, firms or corporations, any property owned or leased by the authority; (j) to acquire, by purchase, gift, lease or by the exercise of eminent domain, all real and personal properties which the Board of Directors of the corporation may deem necessary or convenient for its corporate purposes; provided, however, that in any acquisition by the authority under the power of eminent domain, the authority shall first pay into Court the just compensation for such acquisition, which shall include the reasonable value of removal and dislocation costs of those persons whose property is so acquired; (k) to conduct, promote, sponsor, operate, manage or own educational, cultural, recreational facilities, exhibits and exhibitions, and places of amusement and entertainment; (l) to accept or receive gifts, bequests and devises; (m) to do all things necessary or convenient to carry out the powers expressly given herein.

Section 7. Power of Authority To Issue Revenue Bonds. The authority shall have the power to borrow money and to issue revenue bonds as evidence of any money borrowed, which bonds shall be payable solely from the revenues derived from the fairs, exhibitions, amusements and other activities and en-

terprises in which the authority is hereby authorized to engage. As security for any money so borrowed, together with interest thereon, and any obligations incurred or assumed, the authority, in its discretion, may mortgage, pledge or otherwise transfer and convey its real, personal and mixed property, or any part or parts thereof, whether then owned or thereafter acquired, including any franchises then owned or thereafter acquired, and all or any part of the revenues derived from the fairs, exhibitions amusements and other activities and enterprises in which the authority is hereby authorized to engage. In the resolution authorizing such revenue bonds or the mortgage given to secure the payment thereof, the authority, in addition to its other powers, shall have the power to agree with the several holders of such bonds and to make, enter into and perform covenants and agreements as to,

(a) the custody, security, use, expenditure or application of the proceeds of the bonds;

(b) the operation and maintenance of the properties held by the authority or of exhibitions, amusements, or other activities then or thereafter conducted by the authority;

(c) insurance of the properties of the authority;

(d) restrictions on the exercise of the powers of the authority to dispose, or to limit or regulate the use, of all or any part of the properties of the authority;

(e) The payment of the principal of or interest on the bonds, the rank or priority of any such bonds as to any lien or security, or the acceleration of the maturities of any such bonds;

(f) the use and disposition of any moneys of the authority, including revenues derived or to be derived from the operation of all or any part of the properties of the authority, including any parts thereof theretofore constructed or acquired, and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;

(g) pledging, setting aside, depositing or trusteeing all or any part of the revenues or other moneys of the authority to secure the payment of the principal of or interest on the bonds, or the payment of expenses of operation or maintenance of the properties of the authority;

(h) the setting aside out of the revenues or other moneys of the authority of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

(i) the assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the properties of the authority or any obligations constituting, or which may constitute, a lien on such properties or any part thereof;

(j) limitations on the issuance of additional bonds, notes or other evidences of indebtedness or upon the incurrence of indebtedness of the authority;

(k) limitations upon the power of the authority to construct, acquire or operate, or permit the construction, acquisition or operation of any structures, facilities or properties which may compete or tend to compete with the properties, the revenues of which are pledged for the payment of the principal and interest of the bonds;

(l) payment of costs or expenses incident to the enforcement of the bonds or of the provisions of such resolution or mortgage, of any covenant or agreement with the holders of the bonds;

(m) the procedure, if any, by which the terms of any covenant or agreement with, or duty to, the holders of the bonds may be amended or abrogated, the amount of bonds, the holders of which must consent thereto, and the manner in which such consent may be given or evidenced;

(n) the terms and conditions upon which the holders of said bonds, or any proportion of them, or any trustees therefor, shall be entitled to the appointment of a receiver by any court of competent jurisdiction, which receiver may enter and take possession of the properties of the authority and operate and maintain the same and prescribe rates, rents, fees or charges, and collect, receive and apply all revenue arising from the operation of such properties in the same manner as the authority itself might do; or

(o) any other matter or course of conduct which, by recital in such resolution or mortgage is declared to further secure the payment of the principal of or interest on the bonds;

All such provisions of said resolution or mortgage and of such covenants and agreements, shall constitute valid and legally binding contracts between the authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit or proceeding at law or in equity in any court of competent jurisdiction. The circuit court of Alabama, or any court of competent jurisdiction, shall have authority to appoint a receiver for the properties of the authority, upon the terms and conditions specified in the

resolution authorizing the issuance of the bonds or in any mortgage securing the payment of the principal and interest thereof. Any mortgage given as security for the payment of said bonds may contain such agreements as the authority shall deem advisable respecting the rights and duties of the parties to such instrument or for the benefit of whom such instrument is made, including the right to foreclose or to take possession without foreclosure. Revenue bonds issued under the authority of this section may be in such form and tenor, may bear such rate or rates of interest, and have such maturities and redemption privileges as the authority shall determine.

Such bonds so issued may thereafter, from time to time, be refunded by the issuance or sale or exchange of refunding bonds at such times and in such forms and of such tenor, maturities or rate or rates of interest as may be agreed upon by the authority and the holders of the bonds so refunded if such refunding is by exchange, and as may be determined by the authority if such refunding is by sale of refunding bonds. Such authority may restrict the source of payment of such bonds and the security given therefor to whatever extent the authority shall deem advisable, but no such bonds shall purport to be effective to impose on the authority or its funds or property, any liability in excess of or inconsistent with the liability authorized to be incurred or assumed by sections one to fifteen of this act. Such borrowing may be evidenced by sale of such bonds either at private or public sale in such manner and from time to time as may be determined by the authority to be most advantageous, and the authority may pay all expenses, premiums and commissions which the authority may deem necessary and advantageous in connection with any such financing. All such bonds shall be regarded as negotiable instruments. All such bonds and all instruments executed as security therefor shall be exempt from all taxation under the laws of the state of Alabama. Neither the county nor any city in which said authority is located shall in no event be liable for any money so borrowed, nor shall the same be construed to be an indebtedness of or against such county or any city within such county. The bonds provided for herein shall be issued in the name of the corporation appearing in the certificate filed with the probate judge of the county; and said bonds shall be executed in such name by the chairman of the board of directors, attested by the secretary of the board, and thereon shall be impressed or printed the corporate seal. Coupons attached to said bonds may be executed solely by impressing or printing thereon the facsimile signature of the chairman.

Section 8. Meetings of Authority: Records to be Kept—
The authority shall meet at such time as may be appropriate or

necessary. An accurate record in the form of a minute book shall be kept of the business transacted, or the actions taken, at such meetings. The authority shall keep, or cause to be kept, in its principal office said minute book and in addition thereto all other books, or sets of books, documents, files, papers and letters and copies of letters pertaining to the enterprises and activities of the authority so as to afford at all reasonable hours accurate information pertaining to the activities and finances of the authority. The records of the authority shall be public records and shall be open to the inspection of any member of the governing authority of the authorizing county at all reasonable times. The authority shall at least once during each calendar year make a report in writing of its activities to the governing body of the authorizing county, which report shall specify therein the financial condition of the authority, together with a report on the activities and plans of the authority.

Section 9. Contracts of Authority—Contracts of the authority shall be executed in the name of the authority by the chairman of the authority and attested by the secretary of the authority. Except for bonds, it is not required that the seal be impressed or printed on contracts. It is further provided hereby that, except for bonds, the authority may provide by resolution for a different form for the execution of contracts, and for the execution thereof by an officer or agent other than the chairman and secretary. But in no event shall a contract, irrespective of its form and of the persons executing the same, be binding unless such contract was authorized or ratified by the authority.

Section 10. Audit of Accounts of Authority—At least once every twelve months subsequent to the effective date of this section, the authority shall appoint and employ an expert accountant who shall make an examination in detail of all books and accounts of the authority since the preceding examination, and make a full report thereof in writing under oath, to be submitted to the authority and spread upon its minute book at the first meeting of the authority after the receipt of said report. The authority shall forward a copy of said report to each daily newspaper published in the county. No accountant shall be appointed or employed twice in succession.

Section 11. Bond of Treasurer of Authority—The treasurer of the authority shall give bond in such sum as the authority may prescribe for the faithful performance of his duties and the safe custody of the funds, which bond shall be executed by a surety company authorized to engage in the surety business in the state of Alabama and the premium on which bond

shall be paid out of the funds of the authority. The treasurer shall keep books showing accurately the financial condition of the authority.

Section 12. County, or Any City Within Such County May Make Appropriations for, and Lend Money to Authority—The county, and any city within such county in which said authority is located is authorized, but not required, to make appropriations or to lend money from time to time to the authority for the purpose of providing educational, cultural and recreational facilities, exhibits and exhibitions for amusement and entertainment. Such voluntary appropriations or loans may be upon such terms and conditions as are mutually agreeable to the authority and the county, or any city within such county.

Section 13. Obligations of Authority not Obligations of State or Political Subdivision Thereof—No debt, obligation or liability contracted or incurred by the corporation or by any director, officer, employee or agent of the corporation shall be a debt, obligation or liability of the state of Alabama or of any city, town, county or political subdivision of the state of Alabama.

Section 14. Exemption From Taxation—All property of the authority shall be exempt from state, county and city taxation; and the authority shall be exempt from license or privilege taxes levied by the state, county or city upon the business or activities conducted or engaged in by said authority; provided, however, this exemption shall not be construed to exempt concessionnaires or lessees of the authority from the payment of any taxes, including licenses or privilege taxes levied by the state, county or city.

Section 15. All laws or parts of laws which conflict with this Act are repealed.

Section 16. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law. The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Approved August 19, 1969.

Time: 8:28 A.M.

Relating to all counties having populations of not less than 36,600 nor more than 37,600 according to the most recent federal decennial census; authorizing, but not requiring, the governing body of each of such counties to fix the amount and prescribe the manner of compensating the members of the jury commissions of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in all counties having populations of not less than 36,600 nor more than 37,600 according to the most recent federal decennial census.

Section 2. In all counties to which this act applies the county governing body may, in its discretion, either: (1) increase the per diem compensation of members of the jury commission to not more than fifteen dollars per day for each day the commission member is actually engaged in the discharge of his duties as such member, provided, the total compensation so paid to any member of the commission shall not exceed for any one year of his term \$750; or (2) provide for the payment out of the county treasury of an annual salary of \$750 to each member, with such salary payable in equal installments in the same manner and at the same time that the salaries of other county employees are paid.

If the county governing body elects to provide for the compensation of members of the jury commission in the manner prescribed in option (1) above, then such compensation shall be paid out of the county treasury upon the warrant of the judge of probate of the county.

Section 3. This act is permissive only, and nothing herein shall be construed as requiring the county governing body to provide for the compensation of the jury commission in either of the ways hereinabove prescribed. If the county governing body elects to compensate the jury commission in either way provided above, however, such compensation shall be in lieu of all other compensation now provided by law for the jury commission of such county. If the county governing body does not elect to compensate the members of the jury commission pursuant to this act, then such members shall be compensated in the amount and manner prescribed in the general law for compensating members of the jury commission.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:29 A.M.

Act No. 439

H. 789—Williams

AN ACT

RELATING TO COUNTIES HAVING A POPULATION OF NOT LESS THAN 36,600 AND NOT MORE THAN 37,600 ACCORDING TO THE LAST FEDERAL DECENNIAL CENSUS AND AUTHORIZING THE BOARD OF REVENUE OR OTHER LIKE GOVERNING BODY OF SUCH COUNTY TO APPROPRIATE COUNTY FUNDS TO ESTABLISH A CONTINGENT FUND AND PROVIDING FOR THE USE OF SUCH FUNDS.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all counties having a population of not less than 36,600 and not more than 37,600 according to the last Federal Decennial Census the Board of Revenue, or other like governing body of such County, may in its discretion, appropriate annually from the public funds of the county an amount not exceeding \$4,000 as a contingent fund from which shall be paid any entertainment or promotional expense incurred for and incidental to the promotion of economic, industrial, or cultural development of the county, and from which shall be paid any other equitable and just claim or claims against the county for which the county is not legally liable but morally and justly obligated, and for recovery of which the claimant or claimants have no recourse at law. Any appropriation so made shall be paid by the county treasury or depository on warrants drawn in such manner as the county governing body may direct. Any unexpended or unencumbered balance in any such contingent fund shall revert to the county general fund at the end of each fiscal year.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:30 A.M.

Act No. 440

H. 801—Doss, Slate

AN ACT

To apply only in counties having populations of not less than 57,000 nor more than 61,000, providing an expense allowance payable from the county treasury for the use of the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 57,000 nor more than 61,000 according to the last or any succeeding federal decennial census, the coroner shall be entitled to an allowance of \$150 a month for expenses incurred in and about the performance of the duties of his office. Such allowance shall be paid at the end of each month from any funds in the county treasury not otherwise appropriated. The allowance shall be in addition to all salary, compensation, fees, and allowances heretofore provided by law.

Section 2. This act is cumulative and shall take effect immediately upon its enactment.

Approved August 19, 1969.

Time: 8:31 A.M.

Act No. 441

H. 817—Berryman (W), Graham

AN ACT

To levy additional county privilege license and excise taxes for public school purposes in Franklin County paralleling, with like provisions for the county, such state sales and use taxes levied by Act No. 100, Second Special Session 1959, as amended, and Acts supplemental thereto, and levied by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended, and Acts supplemental thereto; providing for the enforcement and collection of such taxes by the department of revenue and the distribution of the proceeds thereof and providing that this Act supersedes Act No. 516, approved November 19, 1959, Acts of Alabama 1959, Volume 2, page 1267.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied in Franklin County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation engaged or continuing within Franklin County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning

of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee and confections sold in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10 cents) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10 cents) per sale and shall file with the state department of revenue a sworn statement to that effect and shall keep and maintain records satisfactory to the state department of revenue, the gross receipts tax herein provided for shall not be levied.

(b) Upon every person, firm or corporation engaged or continuing within Franklin County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within Franklin County, or any athletic association thereof, or other association whether such institution or association be a denominational, a state or county, or a municipal institution or association or a state, county, or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Franklin County, an amount equal to one percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within Franklin County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one-half of one percent of the gross proceeds of the sale of such machines; provided, that the term "machines"

as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within Franklin County in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one-half of one percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of five dollars per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm or corporation engaged on continuing within Franklin County in the business of selling at retail any machine, machinery or equipment either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-half of one percent of the gross proceeds of the sale thereof. Provided, however, the one-half of one percent rate herein prescribed with respect to parts, attachments and replacements

shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

Section 2. (a) An excise tax is hereby imposed on the storage, use or other consumption in Franklin County of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail for storage, use or other consumption in Franklin County at the rate of one percent of the sales price of such property, except as provided in subsections (b), (c) and (d).

(b) An excise tax is hereby imposed on the storage, use or other consumption in Franklin County of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail at the rate of one-half of one percent of the sales price of any such machine; provided, that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in Franklin County of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail for storage, use or other consumption in Franklin County at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax levied

herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby imposed on the storage, use or other consumption in Franklin County of any machine, machinery or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment which is purchased at retail after the effective date of this Act for storage, use or other consumption in Franklin County, at the rate of one-half of one percent of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Franklin County. Provided, however, the one-half of one percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(e) An excise tax is hereby imposed in Franklin County on the classes of tangible personal property and at the rates imposed on such classes specified in subsections (a), (b), (c) and (d) of this section on the storage, use or other consumption in the performance of a contract in Franklin County of such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in Franklin County, whichever is less. Provided, however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b), (c) and (d) of this section apply.

Section 3. The taxes provided for in section 1 and section 2 of this Act shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments and deductions as are applicable to the state sales and use taxes levied under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, as amended, and Acts supplemental thereto, and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, and Acts supplemental thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection of the taxes.

Section 4. All taxes imposed by this Act, together with such interest and penalties as may be imposed herein, shall be a lien upon the property of any person, firm or corporation due to pay such taxes under the provisions of this Act, and all of the provisions of the revenue laws of the State of Alabama applying to or with reference to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of the taxes imposed by this Act, and the state department of revenue, for the use and benefit of Franklin County, shall collect or enforce such taxes in the manner and form therein provided, and as further provided in section 5 hereof.

Section 5. The taxes imposed by this Act shall be collected by the state department of revenue at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, as amended, and Acts supplemental thereto, and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, and Acts supplemental thereto, and all reports now required to be made to the commissioner of revenue of the State of Alabama shall, on request of the department of revenue, be available for inspection by the chairman of the county governing body of Franklin County or his designated agent, at reasonable times during business hours. The state department of revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of the additional taxes herein imposed, and shall have all the authority and duties in connection with such additional taxes as are now given by law to the department for the collection of state sales and use taxes under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, as amended, and Acts supplemental thereto, and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, and Acts supplemental thereto. It shall be the duty of the commissioner of revenue to pay into the state treasury all collections of taxes made here-

under, and on or before the fifth day of the following month the commissioner of revenue shall certify to the state comptroller the amount of special taxes levied and collected under the authority of this Act for the use and benefit of Franklin County during the calendar month immediately preceding the making of such certificate to the state treasurer. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Franklin County, in his official capacity, for the amount due Franklin County; whereupon, it shall be the duty of the custodian of county school funds to divide such revenues between the county board of education and the board of education of the City of Russellville proportionately on the basis of the number of pupils in average daily attendance in their respective school systems during the current school year, as ascertained in accordance with the rules and regulations of the state board of education. The state department of revenue shall charge Franklin County for collecting the special county taxes levied herein the cost of collecting such taxes, such charge, however, not to exceed five percent of the amount collected. Such charge for collecting the special taxes for the county shall be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Franklin County for that month.

Section 6. The taxes imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in Franklin County, except as herein otherwise specifically provided.

Section 7. All revenue arising from the taxes herein levied shall be used exclusively for public school purposes within Franklin County.

Section 8. This Act supersedes Act No. 516, approved November 19, 1959 (Acts 1959, Vol. 2, p. 1267); provided, that rights and duties that matured, penalties that were incurred, and proceedings that were begun under said Act No. 516 before the effective date of this Act shall not be affected by this Act.

Section 9. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective on the first day of the month succeeding the thirtieth day following the date on which this Act is approved by the Governor or shall otherwise become law.

Approved August 19, 1969.

Time: 8:32 A.M.

Act No. 442

H. 824—Berryman (Robert)

AN ACT

To amend the "Alabama Water Management Act", Act No. 685, S. 364, of the Regular Session of 1965, (Acts of Alabama of 1965, Regular Sess., Vol. II, p. 1246), "An Act to provide for the establishment of works of improvement for the drainage of wet, swamp, and overflowed lands of the State, and for flood prevention or the conservation, development, utilization and disposal of water within the State"; etc., by amending Sections 5, 9 and 10 of said Act which relate to the organization of water management districts.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5, 9 and 10 of the "Alabama Water Management Act", Act No. 685, S. 364 of the Regular Session of 1965 (Acts of Alabama 1965, Vol. II, p. 1246) are hereby amended so as to read as follows:

"Section 5. Whenever a petition praying for the organization of a water management district, and signed by a majority of the landowners owning more than one-third of the land in acreage in a proposed district, or by at least one-third of the persons owning more than half of the land in the proposed district, shall be filed with the court of probate of such county in which such lands are located, or if such lands be composed of tracts or parcels situated in two or more counties then in the office of the court of probate of the county in which there is situated more of said lands than in any other county, said petition setting forth the specific body or district of land in the county, or county and adjoining counties, described in such a way as to convey an intelligent idea as to location of such land, and stating that the public benefit or utility, or the public health, convenience, or welfare will be promoted by drainage, ditching, or leveeing, or by changing or improving the natural water courses, or by the installation of tile systems, pumping plants, tide gates, or any other method of drainage or flood prevention, or the conservation, development, utilization and disposal of water, it shall be the duty of the court of probate forthwith to appoint a competent civil or agricultural engineer experienced in water management engineering, provided that whenever the owners of a majority in acres of the land comprising the district petition the court for the appointment of any person qualified under this Act to act as engineer, it shall be the duty of the court to appoint such engineer, the court shall determine the rate of compensation to be paid the engineer for preliminary surveys and report and shall provide funds for payment of engineering and other expenses incidental to the proceedings as hereinafter provided. The engineer so appointed shall, after making the necessary examination and survey, report to the court: (1) the boundaries of the proposed district, which shall

be that part of the watershed area, but in no event less than the flood plain area, which will be benefited by the proposed works of improvement if such works of improvement include works other than, or in addition to, drainage works, or the area benefited by the drainage improvements if the contemplated works of improvement are for drainage purposes only; (2) a description of the area that in the opinion of the engineer will be benefited, according to legal or recognized subdivisions; (3) whether such work will be conducive to the public health, safety, convenience or welfare; (4) a general outline of the plan to accomplish the desired water management; (5) a map showing the territory that should be included in said district and in a general way, the location and nature of the tentative improvements proposed; and (6) a tentative estimate of the cost of the proposed improvements; No landowner having signed the petition for the installation of works of improvement under this Act shall have his name stricken from such petition without the written consent of the owners of a majority of the acreage owned by those signing said petition.

"Section 9. - Any owner of real property affected by said proposed district who wishes to object to the organization and incorporation of said district shall on or before twelve o'clock (noon) of the day set for the causes to be heard file his objection in writing stating why such district should not be organized and incorporated. On the day appointed for the hearing, the court shall hear and determine in a summary manner any objection that may be offered to the sufficiency of the petition or to the report of the engineer or plan submitted. If it appears that there is any land within the proposed district that is not in the watershed, if the proposed plan includes purposes other than drainage, or is not in the benefited area if the proposed plan includes only the drainage purpose such lands shall be excluded; and if it shall be shown that there is any land without the proposed district that is in the flood plain or elsewhere in the watershed and will be benefited by the proposed works of improvement, if the proposed plan includes purposes other than drainage, or is in the benefited area if the proposed plan includes only the drainage purpose, the boundaries of the district may be so changed as to include such lands and such owners of additional lands shall be made parties to the proceedings and such notice to the owners of such additional lands shall be given by publication as hereinbefore provided, or by personal service, and the hearing shall be continued to a date to be fixed by the court, upon which date the objections, if any, are filed to the inclusion of additional lands, shall be adjudicated and such additional lands as may be adjudged in the benefited area shall thereupon be included within the pro-

posed district. If it further appears that the purpose of this Act would be subserved by the creation of the proposed water management district, the court shall, after disposing of objections as justice and equity require by its findings duly entered of record, adjudicate all questions of jurisdiction, declare the district organized as a body corporate, giving it a corporate name by which in all proceedings it shall thereafter be known, with all the powers of a public corporation, with power to sue and to be sued, to incur debts, liabilities and obligations, to exercise the powers of eminent domain for the purpose of securing adequate outlets, floodwater retarding structure sites, and such other rights-of-way as may be necessary within and without the district to carry out the intentions of this Act and the right of assessment as herein provided, to issue bonds, and to do and perform all acts herein expressly authorized and all acts necessary and proper for the carrying out of the purpose for which the district was created and for executing the powers with which it is invested. If the Court at the final hearing shall find against the sufficiency of the petition or the improvement it shall dismiss the petition and proceedings at the cost of the petitioners, and shall issue an itemized bill of all costs and expenses, which itemized statements of cost and expenses shall have the full force and effect of a judgment and constitute a lien upon the lands of the petitioners within said proposed district, which liens shall be of equal dignity with the lien for general state, county, city, village, school and road taxes, and the court shall forthwith order the levying and collection of a uniform acreage tax on all of the lands included in the petition owned by the petitioners for organization to meet the expenses incurred, and such tax shall be due and payable as soon as levied, and if not paid by the thirty-first day of December in the year in which it is levied the same shall become delinquent and shall be turned over to the tax collector of the county in which the lands are located for collection, and the collection of such taxes shall be proceeded with in the same manner as delinquent general state and county taxes.

"Section 10. The order of the court of probate establishing said district shall have all the force of a judgment and the court shall forthwith levy a uniform tax of not more than one dollar per acre upon each acre of land owned by the landowners within such district to be used for the purpose of defraying the expenses incurred in establishing said district or to be incurred in organizing said district, making surveys of the same, and assessing benefits and damages and to pay other expenses necessary to be incurred before the board of commissioners hereafter provided for shall be empowered by the subsequent provisions of this Act to provide funds to pay the total cost in

connection with the works of improvement of the district. In case the boundaries of the district be extended under subsequent sections of this Act so as to include land and other property not contained within the district as organized by order of the court of probate in the first instance the same uniform tax shall be made on such lands as soon as the same shall have been annexed and included in the district. Such tax shall be due and payable as soon as levied and if not paid by the thirty-first day of December in the year in which it is levied, shall become delinquent and shall be turned over to the tax collector of the county in which the lands are located for collection, and the collection of such taxes shall be proceeded with in the same manner as delinquent general state and county taxes. This tax shall be a lien, equal in dignity with the lien for general state and county taxes on the land against which it is levied from the time the levy is made. In case the sum raised from such levy exceeds the total cost of items for which the same has been levied the surplus shall be placed in the general funds of the district and used to pay the cost of construction, rights-of-way, and operations and maintenance of works of improvements."

Section 2. If any of the provisions of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not effect any other provision, part, or portion of this Act which is not of itself invalid or unconstitutional.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:33 A.M.

Act No. 443

H. 826—Smith

AN ACT

To make an appropriation to the Alabama Institute for Deaf and Blind for Capital Outlay purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust fund the sum of one hundred twenty thousand, three hundred thirty dollars (\$120,330.00) to the use of the Alabama Institute for Deaf and Blind to be used for Capital Outlay purposes.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:34 A.M.

Act No. 444

H. 874—Bolton, Smith

AN ACT

To provide for the appointment of a deputy district attorney for the Twenty-Ninth Judicial Circuit of Alabama, prescribe his powers and duties, fix and provide for payment of his compensation, and regulate his tenure in office.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the Twenty-Ninth Judicial Circuit of Alabama may appoint a deputy district attorney, who shall be a state officer and serve at the pleasure of the district attorney. The deputy must be a resident and qualified elector of a county included within the circuit. He must be qualified by the courts of this State for the practice of law, but he shall not be subject to provision of Subsection 12 of Section 229, Title 13, Code of Alabama 1940.

Section 2. In the absence of the district attorney, his deputy shall discharge his duties and exercise his authority, but only at his direction. The deputy also shall perform such other duties and exercise such authority as may be prescribed by the district attorney.

Section 3. The deputy district attorney shall receive an annual salary of \$7,200 dollars, payable from the state treasury in the same manner as the salaries of other state officers are paid.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:35 A.M.

Act No. 445

H. 909—Burgreen

AN ACT

To provide an expense allowance for the judge of probate in all counties having populations of not less than 35,700 nor more than 36,600, such allowance to be payable out of the general funds of the respective counties, and to expire at the end of the term of office of the incumbent judges of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 35,700 nor more than 36,600, according to the most recent federal decennial census, the judge of probate shall be entitled to an allowance of \$200 per month for expenses incurred in the performance of his official duties. Such allowance shall be paid out of the general funds of the county.

Section 2. This Act is cumulative.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. The Act shall terminate and expire, however, at the expiration of the term of the incumbent judge of probate.

Approved August 19, 1969.

Time: 8:36 A.M.

Act No. 446

H. 929—Wright, Malone

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Reece City in Etowah County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Reece City in Etowah County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within such corporate limits of the town, a tract of land more particularly described as follows:

The south half of the northeast quarter of the northwest quarter, the southeast quarter of the northwest quarter, and the east half of the southwest quarter, all in Section 17, Township 11 South, Range 6 East, in Etowah County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:37 A.M.

Act No. 447

H. 980—Beck, Meade

AN ACT

Relating to DeKalb County; providing for nomination and election at large of members of the county commission, repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Hereafter the members of the county commission of DeKalb County shall be nominated by the voters of the county who are authorized by law to participate in any primary election, caucus or convention held or called by any political party for nomination of such officers, and the members of the county commission from the several districts shall be nominated and elected by the qualified electors of the entire county. The said members so elected shall each qualify as to the specific district he shall represent and shall be a qualified elector and resident thereof.

Section 2. The provisions of Act No. 368, H. 394, approved September 7, 1955 (Acts 1953, V. L. P. 889) and Act No. 444, H. 986, approved August 7, 1961 (Acts 1961 Regular Session V. L. P. 482) in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:38 A.M.

Act No. 448

H. 1040—Burgreen

AN ACT

To provide additional allowances out of the county treasury for clerk hire for temporary or part time clerks or other assistants for certain county officers in all counties having populations of not less than 35,700 nor more than 36,600 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other allowances for the expenses of their offices provided for them by law, the following officers of all counties having populations of not less than 35,700 nor more than 36,600, according to the most recent federal

decennial census, shall be authorized to hire temporary or part-time clerks or assistants, whose compensation shall be payable out of the county treasury at the same time and in the same manner as other county employees, as follows:

The tax assessor and the tax collector shall, each, be authorized to employ one additional clerk or other assistant for a period of six months, beginning on the first day of October each year at a salary of \$240 per month.

The circuit clerk may employ one additional temporary or part time clerk or other assistant for such time as when added to the time he is authorized by any other law to employ temporary or part time help will give him one temporary or part time clerk or other assistant for a period of not more than nine months out of each year. Such clerk or other assistant may be employed immediately after this Act becomes law and may continue to be employed for no more than nine months. Thereafter such temporary or part time clerk or other assistant may be employed for such nine-month period as the circuit clerk prescribes. The compensation of such temporary or part time clerk or other assistant shall be a salary of \$240 per month.

The judge of probate may employ one temporary or part time clerk or other assistant for such time as when added to the time he is authorized by any other law to employ temporary or part time help will give him one part time clerk or other assistant for a period of six months beginning October 1, each year. The compensation of such clerk or other assistant shall be a salary of \$240 per month.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:39 A.M.

Act No. 449

H. 1049—Neville

AN ACT

To create a judiciary fund in the county treasury of Barbour County, to be used for the purpose of obtaining, maintaining and making avail-

able for public use certain judicial reference materials; to provide for certain payments into the fund and to provide for and regulate expenditures from the fund; placing certain duties on the Judge of the Third Judicial Circuit, the county treasurer of Barbour County and the Barbour County Bar Association and authorizing the county governing body of Barbour County to expend general funds of the county for the purpose of providing quarters and facilities for the proper care and storage and the convenient use of such judicial reference materials.

Be It Enacted by the Legislature of Alabama:

Section 1. There is created hereby, a fund in the county treasury of Barbour County to be known as the Barbour County Judiciary Fund.

Section 2. Payments from said judiciary fund shall be made upon warrant signed by the Circuit Judge of the Third Judicial Circuit.

Section 3. Moneys in the Barbour County Judiciary Fund are to be used for the purchase, care, custody, storage, maintenance, and copying of judicial reference materials, for copying equipment and for making such judicial reference materials readily available for use by the public.

Section 4. The Judiciary Fund shall consist of such funds as may be paid to it by law and such funds as may be donated to the county for said fund.

Section 5. Such judicial reference materials as may be purchased by the fund shall be the property of the county and shall be so marked.

Section 6. The President of the Barbour County Bar Association shall each year appoint a committee of three members to be known as the Judiciary Fund Committee, which shall have the responsibility of reporting to the Barbour County Bar Association and to the Circuit Judge of the Third Judicial Circuit the condition of the judicial reference materials on hand and the proposed needs.

Section 7. The county treasurer of Barbour County shall semi-annually make a report to those members of the Bar who have purchased licenses to practice law in Barbour County during the current fiscal year, showing the itemized receipts and expenditures of the Judiciary Fund for the preceding six-month period. Such reports shall be made in October for the six months ending September 30 and in April for the six months ending March 31.

Section 8. The Judge of the Third Judicial Circuit shall by orders spread upon the minutes of the court and distributed to each member of the Bar who has purchased a license to practice in Barbour County during the current year, promulgate

rules and regulations concerning the place or places of custody of said judicial reference materials, time of access to such materials, and such other rules as may be necessary for the safe storage and use of such materials; provided, however, that the materials shall be open to the public and that the public shall have the same access to said materials as the said judge or any member of the Bar licensed to practice law.

Section 9. The Judge of the Third Judicial Circuit shall be empowered to accept donations of judicial reference materials on behalf of the county.

Section 10. The county governing body of Barbour County shall provide quarters and adequate facilities for the care and storage and convenient use of such Judicial Reference Materials in the Clayton or Western division of the County and another such place in the Eastern or Eufaula Division of the County; and the County Governing Body shall be authorized to expend such funds from the general funds of the county as may be necessary for such purpose.

Section 11. Barbour County's one-half of the trial tax levied by Code of Alabama 1940, Title 51, Section 20, shall be paid into the Barbour County Judiciary Fund. The other one-half of such tax shall continue to be paid into the State treasury as required in said Section 20.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective on the first day of the month following the month in which this Act becomes law.

Approved August 19, 1969.

Time: 8:40 A.M.

Act No. 450

H. 1055—Smith

AN ACT

RELATING TO CITIES OPERATING UNDER THE COMMISSION FORM OF GOVERNMENT FOR MORE THAN THIRTY YEARS HAVING A POPULATION OF NOT LESS THAN 16,000 NOR MORE THAN 26,000 ACCORDING TO THE MOST RECENT FEDERAL DE-CENNIAL CENSUS, FIXING THE ELECTION AND TERMS OF OFFICE, THE SALARIES AND DUTIES OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF SUCH CITIES.

Be It Enacted by the Legislature of Alabama:

SECTION 1: That this Act shall apply only to cities in this state which have populations of not less than sixteen thousand and nor more than twenty-six thousand according to the most recent Federal Decennial Census, provided, however, that this Act shall apply only to such cities which have had the commission form of government continuously for more than thirty years prior to the enactment of this Act;

SECTION 2: That in cities to which this Act is applicable, the members of the Board of Commissioners shall be elected on the third Tuesday in August, 1971, and every four years thereafter; and such commissioners shall hold office for a term of four years from the first Monday in October following, and until their successors are elected and assume the duties of office;

SECTION 3: That in cities to which this Act is applicable, beginning with the terms of office of members of the Board of Commissioners commencing on the first Monday in October, 1971, the salary of the Mayor shall be One Thousand Dollars (\$1,000.00) per month; the salary of Associate Commissioner No. 1 shall be Five Hundred Dollars (\$500.00) per month; and the salary of Associate Commissioner No. 2 shall be Five Hundred Dollars (\$500.00) per month, all said salaries being payable at the end of each month during their respective terms of office and payable out of the general fund of such cities;

SECTION 4: That in cities to which this Act is applicable, beginning with the terms of the members of the Board of Commissioners which commence on the first Monday in October, 1971, the three places on the Board of Commissioners shall be known as Mayor, Associate Commissioner No. 1 and Associate Commissioner No. 2. Every candidate for election to membership on said Board of Commissioners, commencing with the election to be held in August, 1971, shall, in announcing his candidacy and qualification for office, designate specifically the place for which he is a candidate and the ballots to be used at the election shall be prepared accordingly;

SECTION 5: That in cities to which this Act is applicable, beginning with the term of Mayor commencing on the first Monday in October, 1971, the office of the Mayor shall be a full-time office to which the person holding the office of Mayor shall devote his full time and energies. The person holding the office of Mayor shall not be otherwise gainfully employed while holding such office. The Mayor shall be the President of the Board of Commissioners and shall be the chief executive officer of the city. He shall have general supervision and control of all other offices and of the affairs of the city, except as

otherwise herein provided; and he shall have such rights, powers and responsibilities as may be prescribed by resolution of the Board of Commissioners from time to time. All disbursements of the city shall be upon check or voucher signed by the Mayor and counter-signed by the City Clerk. The Mayor shall make bond, with sufficient sureties, in an amount not less than Ten Thousand Dollars (\$10,000.00) and not in excess of One Hundred Thousand Dollars (\$100,000.00), the amount to be fixed and the bond to be approved by the Board of Commissioners, for the use and benefit of the public, and to secure and indemnify the city and any of the public by reason of his default, misfeasance, malfeasance or nonfeasance in the performance of his duties;

SECTION 6: That in cities to which this Act is applicable, beginning with the terms of office which commence on the first Monday in October, 1971, Associate Commissioner No. 1 and Associate Commissioner No. 2 shall have such rights, powers and responsibilities as may be prescribed by resolution of the Board of Commissioners from time to time, except those specifically granted herein to the Mayor, or as shall be delegated to them by the Mayor within the powers conferred upon the Mayor. Such Associate Commissioners shall also have all rights, powers and responsibilities granted to cities having a commission form of government, except those powers which are by law or by this Act specifically conferred upon some particular commissioner or other officer of the city;

SECTION 7: That all laws or parts of laws which conflict with this Act are repealed;

SECTION 8: That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:41 A.M.

Act No. 451

H. 1059—Smith, Bolton

AN ACT

To provide for and regulate the selection and empaneling of alternate jurors for the trial of any case triable by jury in the circuit courts of the twenty-ninth judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the twenty-ninth judicial circuit. In any case triable by a jury in the circuit courts of the twenty-ninth judicial circuit, the court may in its

discretion order the selection of one or two alternate jurors for the trial of the case, but may order an alternate juror to take the place of a principal juror only when the principal juror is excused by the court in the exercise of its sound discretion, before the retirement of the jury to consider its verdict, by reason of some mental or physical ailment in such principal juror, or his confrontation with some emergency rendering him unable to perform his duties satisfactorily.

Section 2. When only one alternate juror is to be selected, the parties shall be entitled to strike from a list containing the names of at least three competent jurors in addition to the minimum number specified by law, as the case may require, and shall be required to strike alternately, as provided by law, until thirteen names remain on the list; and thereupon, the court shall select by lot one name from such thirteen names, and the juror whose name is thus selected shall be the alternate juror. The remaining twelve shall be the principal jurors.

If the court orders the selection of two alternate jurors, the parties shall be entitled to strike from a list containing the names of at least six competent jurors in addition to the minimum number specified by law, as the case may require, and shall be required to strike alternately, as provided by law, until fourteen names remain on the list; and thereupon, the court shall select by lot two names from such fourteen names, the first one selected to be designated as alternate juror number one and the other as alternate juror number two. The remaining twelve shall be the principal jurors.

Section 3. If two alternate jurors are selected and both are able to perform the duties of a juror satisfactorily, the court shall order alternate juror number one to take the place of the first member of the jury who is excused from further service. If two alternate jurors are selected, but only one of them is able to perform the duties of a juror satisfactorily, then such alternate shall be ordered to take the place of any member of the jury who is excused from further service. An alternate juror who is able to perform satisfactorily the duties of a juror may be ordered to take the place of a juror who himself was originally an alternate juror, under the same conditions as he might have been ordered to take the place of one of the twelve principal jurors.

Section 4. Alternate jurors shall obey all orders and admonitions of the court. If the principal jurors are ordered to be kept in the custody of an officer or officers during the trial, such alternate jurors shall also be kept in custody with the regular jurors. All alternate jurors shall be seated near the principal jurors with equal facilities for observing the

proceedings in the trial, and shall attend the trial at all times in company with the principal jurors. If any alternate juror is ordered to become a member of the jury, he shall take the same oath as that administered to other jurors, and shall have the same functions, powers, duties, and privileges as regular members of the jury. Any alternate juror who has not been ordered to take a place on the jury prior to the retirement of the jury to consider a verdict shall be discharged.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:42 A.M.

Act No. 452

H. 1060—Bolton, Smith

AN ACT

Relating to counties having populations of not less than 65,000 nor more than 95,000; authorizing the county governing body of any such county and the governing body of any municipality within any such county to contribute public funds for a volunteer rescue squad.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to counties having populations of not less than 65,000 nor more than 95,000 according to the most recent federal decennial census.

Section 2. The board of revenue, court of county commissioners or other like governing body of any such county is hereby authorized to appropriate, or expend county funds for the purpose of providing contributions for the use of any organized and established volunteer rescue squad operating within the county. After the county governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions, payment shall be made from any funds in the county treasury not otherwise appropriated upon the warrant of the chairman of the county governing body.

Section 3. The governing body of any municipality in any such county is likewise authorized to contribute municipal funds

to such rescue squad when its governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions. Payment shall be made from municipal funds upon the warrant signed by the mayor or other presiding officer of the municipal governing body.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:50 A.M.

Act No. 453

H. 1064—Young

AN ACT

To amend Section 1 of Act No. 60, H. 395 of the current Regular Session 1969, an Act regulating the compensation of the county superintendent of education of counties having a population of 10,800 to 12,000, according to the latest federal census, so as to establish a minimum for such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 60, H. 395 of the current Regular Session 1969, an Act regulating the compensation of the county superintendent of education of counties having a population of 10,800 to 12,000 according to the latest federal census, is amended to read as follows:

“Section 1. The compensation of the county superintendent of education of counties having a population of 10,800 to 12,000 according to the latest federal census shall be an annual salary of at least \$200.00 more than the salary of the highest paid principal of counties having a population of 10,800 to 12,000 according to the latest federal census. The salary of the superintendent of education shall be payable in equal monthly installments from the public school funds of the county in the manner prescribed by law, in addition to any expense allowance presently paid.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:51 A.M.

Act No. 454

H. 1065—Collier

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Elmore County, so as to annex certain territory into the City of Tallassee, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Tallassee, Alabama, in Elmore County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

PARCEL 1

Begin at the South West Corner of Section 30, Township 18 North, Range 22 East, Elmore County, Alabama, as the point of beginning of the property to be described; thence run East along the South line of said Section 30 for a distance of 2,800.0 feet, more or less, to the West bank of the Tallapoosa River; thence run Northerly along the West bank of the Tallapoosa River to the intersection of the North line of Section 30; thence run West along the North line of Section 30 to the North West Corner of Section 30; thence run South along the West line of Section 30 to the South West Corner and the point of beginning. All lying in Section 30, Township 18 North, Range 22 East, Elmore County, Alabama.

PARCEL 2.

Begin at the North West Corner of Section 19, Township 18 North, Range 22 East; thence run South 60 degrees 48 minutes East for a distance of 126.8 feet; thence run North 78 degrees 37 minutes East for a distance of 142.1 feet; thence run North 74 degrees 36 minutes East for a distance of 687.4 feet; thence run South 80 degrees 20 minutes East for a distance of 396.6 feet; thence run South 75 degrees 49 minutes East for a distance of 1085.1 feet; thence run South 75 degrees 01 minutes East for a distance of 626.5 feet; thence run North 88 degrees 42 minutes East for a distance of 320.5 feet; thence run North 26 degrees 38 minutes East for a distance of 39.5 feet; thence run South 61 degrees 32 minutes East for a distance of 64.6 feet and to the boundary of Alabama Power Company property and the point of beginning of the property to be described; thence run South 3 degrees 30 minutes West for a distance of 50.0 feet; thence run North 86 degrees 29 minutes West for a distance of 257.3 feet; thence run South 1 degrees 36 minutes West for a distance of 148.7 feet; thence run South 86 degrees 29 minutes East for a distance of 300.0 feet; thence run South

29 degrees 38 minutes East for a distance of 180.35 feet; thence run North 75 degrees 3 minutes East for a distance of 20.0 feet; thence run South 14 degrees 56 minutes East for a distance of 313.98 feet; thence run South 5 degrees 27 minutes West for a distance of 52.5 feet; thence run South 82 degrees 47 minutes East for a distance of 141.58 feet; thence run North 70 degrees 14 minutes East for a distance of 120.0 feet, more or less, to the West bank of the Tallapoosa River; thence run Southerly along the West bank of the Tallapoosa River to its intersection with the South line of Section 19; thence run West along said South line of Section 19 for a distance of 990.0 feet, more or less, to the intersection of Alabama State Highway 299; thence Northerly along the East right-of-way of Alabama State Highway 299 for a distance of 990.0 feet, more or less; thence run South 46 degrees 16 minutes East for a distance of 47.2 feet; thence run North 61 degrees 09 minutes East for a distance of 962.2 feet; thence run North 10 degrees 23 minutes East for a distance of 857.5 feet; thence run North 9 degrees 20 minutes East for a distance of 296.9 feet; thence run North 89 degrees 36 minutes East for a distance of 107.1 feet; thence run North 7 degrees 30 minutes East for a distance of 777.3 feet; thence run North 23 degrees 15 minutes East for a distance of 232.0 feet to the North boundary of Mill Street; thence run North 84 degrees 53 minutes West for a distance of 129.5 feet; thence run North 84 degrees 20 minutes West for a distance of 430.5 feet; thence run North 78 degrees 22 minutes West for a distance of 95.0 feet; thence run North 51 degrees 40 minutes West for a distance of 83.0 feet; thence run North 37 degrees 07 minutes West for a distance of 260.0 feet; thence run North 24 degrees 25 minutes West for a distance of 58.0 feet; thence run North 17 degrees 57 minutes East for a distance of 62.0 feet; thence run North 47 degrees 44 minutes East for a distance of 51.0 feet; thence run North 71 degrees 14 minutes East for a distance of 57.0 feet; thence run North 85 degrees 52 minutes East for a distance of 67.0 feet; thence run North 83 degrees 46 minutes East for a distance of 147.0 feet; thence run North 86 degrees 46 minutes East for a distance of 86.0 feet; thence run North 62 degrees 07 minutes East for a distance of 63.0 feet; thence run North 33 degrees 46 minutes East for a distance of 83.0 feet; thence run North 63 degrees 46 minutes West for a distance of 32.7 feet; thence run North 26 degrees 14 minutes East for a distance of 198.9 feet; thence run North 66 degrees 24 minutes East for a distance of 52.3 feet; thence run North 18 degrees 40 minutes East for a distance of 537.0 feet; thence run South 76 degrees 28 minutes East for a distance of 126.5 feet; thence run South 22 degrees 42 minutes West for a distance of 136.2 ft; thence run South 02 degrees 53 minutes West for a distance of 260.0 feet and the

point of beginning. All lying in Section 19, Township 18 North, Range 22 East, Elmore County, Alabama.

PARCEL 3.

Begin at the South East Corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 24, Township 18 North, Range 21 East, Elmore County, Alabama, as the point of beginning of the property to be described; thence run West along said Quarter Section Line to the intersection of the West line of Section 24; thence run North to the South West Corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 24; thence run East to the South East Corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 24; thence run North to the North East Corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 24; thence run West to the North West Corner of Section 24; thence run North to the North West Corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section 13; thence run East to the North East Corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section 13 and the West boundary of Azalea Drive; thence Southerly along the West boundary of Azalea Drive to the intersection with the North right-of-way of Friendship Road and which is also the point of intersection with the East line of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 24; thence run South along the East one-half Section Line of Northeast Quarter (NE $\frac{1}{4}$) of Section 24 to the South East Corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 24 and the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:52 A.M.

Act No. 455

H. 1068—Harper

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Tallapoosa County, so as to annex certain territory into the City of Tallassee, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Tallassee, Alabama, in Tallapoosa County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within

the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

PARCEL 1.

Begin at the North East Corner of Section 19, Township 18 North, Range 22 East and run South 18 degrees 54 minutes West for a distance of 998.2 feet; thence run South 34 degrees 30 minutes West for a distance of 226.5 feet to the South right-of-way of Alabama State Highway 14 and the point of beginning of the property to be described; thence run South 34 degrees 30 minutes West for a distance of 184.4 feet; thence run South 10 degrees 16 minutes East for a distance of 200.0 feet; thence run South 2 degrees 46 minutes East for a distance of 238.5 feet; thence run South 36 degrees 07 minutes East for a distance of 213.9 feet and the West Right-of-Way of South Central Boulevard, (which is also the Tuskegee Highway); thence run Southerly along the West Right-of-Way of the Tuskegee Highway to the intersection with the South Line of Section 19; thence run West along the South Line of Section 19 for a distance of 800.0 feet; more or less, to the East bank of the Tallapoosa River; thence run Northerly along the East bank of the Tallapoosa River to the South Line of the Alabama Power Company property known as Parcel No. 1 as established by survey designated "Lower Tallassee Development Map" prepared by Alabama Power Company on July 22, 1930 and recorded in the Office of the Judge of Probate of Tallapoosa County, Alabama; thence run North 86 degrees 50 minutes East for a distance of 233.0 feet; thence run North 55 degrees 30 minutes East for a distance of 235.0 feet, more or less, to the South Right-of-Way of Alabama State Highway 14 and the point of beginning. All lying in Section 19, Township 18 North, Range 22 East, Tallapoosa County, Alabama.

PARCEL 2.

Begin at the North East Corner of Section 30, Township 18 North, Range 22 East and run West along the North Line of Section 30 for a distance of 1600.0 feet and the point of beginning of the property to be described; thence run South 00 degrees 30 minutes West for a distance of 452.0 feet; thence run South 2 degrees 20 minutes West for a distance of 250.0 feet; thence run South 6 degrees 40 minutes West for a distance of 1,003.0 feet; thence run South 16 degrees 00 minutes East for a distance of 509.0 feet; thence run South 26 degrees 40 minutes East for a distance of 1,067.0 feet; thence run South 11 degrees 30 minutes East for a distance of 250.0 feet; thence run South 21 degrees 00 minutes West for a distance of 573.0 feet; thence run West for a distance of 312.0 feet, more or less,

to the East bank of the Tallapoosa River; thence Northerly along the East bank of the Tallapoosa River to the intersection of the North Line of Section 30; thence run East along the North Line of Section 30 for a distance of 120.0 feet, more or less, to the point of beginning. All lying in Section 30, Township 18 North, Range 22 East, Tallapoosa County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 8:53 A.M.

Act No. 456

S.J.R. 39—Torbert, Pierce, Goodwyn

SENATE JOINT RESOLUTION

WHEREAS, the State of Alabama is in great need of more effective planning for the coordinated development of its urban and rural areas; and

WHEREAS, the State of Alabama has a critical need for pertinent information necessary for all planning decisions and for personnel knowledgeable in the latest concepts and trends in the planning process, and

WHEREAS, recognizing the needs of the State for a coordinated effort in planning, research and public service, Auburn University has established the "Center for Urban and Regional Planning," agreeing to support the Center with its many unique and varied planning activities already in existence; and

WHEREAS, the Center shall have as its purpose the focusing of the research and public service competencies and facilities of the University toward cooperation and assistance to state and local public needs in the development and review of comprehensive plans, programs, and regulations for the orderly physical growth and development of urban and rural areas, with the objective of promoting the economic, social and general welfare of such areas; and

WHEREAS, the Center will cooperate with all institutions of higher education in Alabama, and seek to combine the resources of all colleges and universities in urban and regional planning, thus rendering greater service, productivity and efficiency for the people of our State; and

WHEREAS, it is the consensus of the Legislature of Alabama that the Administration of Auburn University has done

the citizens of our State a great service by establishing the Center for Urban and Regional Planning;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that the Board of Trustees and the Administration of Auburn University are hereby commended and congratulated for accepting the responsibility for establishing and operating the Center for Urban and Regional Planning.

BE IT FURTHER RESOLVED that the University is urged and requested to develop and expand this Center to meet the future needs of our great State.

Approved August 19, 1969.

Time: 8:54 A.M.

Act No. 457

S.J.R. 42—Dominick, McCarley, Bailes,
Hawkins, Vacca, Radney

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Secretary of the Senate and Clerk of the House are hereby authorized, directed and required to cause to be installed in both the Senate Chamber and the House Chamber such additional, different or improved lighting equipment as may be necessary to provide adequate lighting throughout each of such chambers; however, all such work and all equipment and supplies used in connection therewith shall be purchased on a competitive bid basis and contract therefor shall be let pursuant to the provisions of Act No. 343, H. 71 of the Regular Session of 1957, as amended and supplemented.

BE IT FURTHER RESOLVED that the expenses incurred in carrying out the provisions hereof shall not exceed fifteen thousand dollars and shall be paid out of funds appropriated for the use of the Legislature.

Approved August 19, 1969.

Time: 8:55 A.M.

Act No. 458

S.J.R. 52—Skidmore, Goodwyn, McCarley,
Albea, Nabors, O'Bannon,
Gilmore, Harris, Carr,
Branyon, Cooper, Lolley,

Pelham, Turner, Morrow,
Bailes, Clark, Folsom, Giles,
Torbert

SENATE JOINT RESOLUTION

Authorizing The Board of Trustees of the University of Alabama to designate the new administration building on the Tuscaloosa campus of the University of Alabama as "Frank Anthony Rose Hall" and the new thirteen-story married student apartment building also under construction on the Tuscaloosa campus of the University of Alabama as "Tommye Stewart Rose Tower".

WHEREAS, Dr. and Mrs. Frank A. Rose will leave the University of Alabama on September 5, after a twelve-year tenure of devoted service to this great institution; and

WHEREAS, the administration of Frank A. Rose as President of the University has provided the University with its period of greatest growth and for which the citizens of Alabama will forever be indebted; and

WHEREAS, Tommye Stewart Rose has served as the University's First Lady during this period, gracing the President's Mansion with charm and dignity, and substantially contributing to the success of the Rose administration.

NOW, THEREFORE, BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, that The Board of Trustees of the University of Alabama is hereby authorized to designate the new administration building on the Tuscaloosa campus of the University of Alabama as "Frank Anthony Rose Hall" and the new thirteen-story married student apartment building also under construction on the Tuscaloosa campus of the University of Alabama as "Tommye Stewart Rose Tower" in honor of Dr. and Mrs. Rose.

Approved August 19, 1969.

Time: 8:56 A.M.

Act No. 459

S.J.R. 55—Branyon

SENATE JOINT RESOLUTION

WHEREAS Judge J. M. Moore by his assiduity exercised a considerable influence in securing the construction of Highway 159 from Fayette in Fayette County to the Pickens County line; and

WHEREAS Highway 159 is a vital cog in the state's highway system as well as a contributing factor to the beautification of our fair countryside; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That so much of Highway 159 as extends from Fayette in Fayette County to the Pickens County line be designated "The J.M. Moore Highway," with the appropriate road signs to be erected by the Highway Department.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the family of Judge J. M. Moore.

Approved August 19, 1969.

Time: 8:57 A.M.

Act No. 460

S.J.R. 56—Dominick, Giles

SENATE JOINT RESOLUTION

WHEREAS, the City of Huntsville, Alabama, is known and recognized as the "Space Capital of the World," because of the outstanding developments in space travel made there; and

WHEREAS, the City of Huntsville, Alabama, has not been the recipient of a commemorative postage stamp in recognition of its achievements.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call on the United States Post Office Department to issue a 10¢ airmail commemorative postage stamp, commemorating the Apollo 11 moon landing flight, in the City of Huntsville, Alabama, at a time to be determined by said Post Office Department.

BE IT FURTHER RESOLVED That the appropriate authorities take note of the fact that the Saturn booster rocket which made all the Apollo flights possible is a Huntsville development, and that the scientists and workers of said city deserve recognition along with other space heroes; and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the President of the United States, the Vice President of the United States, the Postmaster General of the United States, the Director of the Division of Philately—U. S. Post Office Department, each member of our U. S. Senate and Congressional delegation, and the Huntsville Chamber of Commerce.

Approved August 19, 1969.

Time: 8:58 A.M.

Act No. 461 S.J.R. 57—Morrow, Childs, Dominick, Vacca,
Bailes, Hawkins, Skidmore,
Harris, Gilmore

SENATE JOINT RESOLUTION

Authorizing The Board of Trustees of the University of Alabama to designate the new student center building on the main campus of the University of Alabama as "Ferguson Student Center."

WHEREAS, the University of Alabama will soon begin construction of a building on the main campus to be used as a new student center; and

WHEREAS, Mr. Hill Ferguson served for forty years on the University of Alabama Board of Trustees and its Executive Committee, many of those years as Chairman, a role in which he shared responsibility for all major decisions taken during this long period of this University's development; and

WHEREAS, Mr. Ferguson's contributions to the institution can be measured from the time in 1905 when, as President of the Society of the Alumni, he inspired and led the Greater University Campaign which resulted in the construction of Comer, Morgan, and Smith Halls; and

WHEREAS, through the tenures of eight presidents, all of whom he helped to select, he combined the enthusiasm of his undergraduate experience and the loyalty of an alumnus who never missed a Commencement in sixty-five years, with the practical vision of a businessman in diligent promotion of the best interests of the University; and

WHEREAS, it is entirely fitting that this new building bear the name of this great man;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Legislature of Alabama, the House concurring, that The Board of Trustees of the University of Alabama is hereby authorized to designate the new student center soon to be constructed on the main campus of the University of Alabama as "Ferguson Student Center" in honor of Mr. Hill Ferguson.

Approved August 19, 1969.

Time: 8:59 A.M.

Act No. 462

S.J.R. 58—Nabors

SENATE JOINT RESOLUTION

WHEREAS, our knowledge of the course of man on the planet Earth indicates intermittent periods of the striving for accomplishment, a search for truth, a yearning for beauty, a hope for immortality; and

WHEREAS, the record reveals that of the billions of people who have existed, only a few have been privileged to enjoy the results of the higher virtues of man, but rather most have suffered from the frailties of his fellows including greed, avarice, envy, pride, lust and ignorance; and

WHEREAS, we, who are now fortunate to be a member of the population of this planet, have observed the marvels of the application of abstract knowledge in the laboratories and workshops of the nations; and

WHEREAS, we have witnessed by sound and sight the breaking of the shackles of the gravity of earth and of its satellite, the moon, thus freeing man from the restrictions of mass, enabling him to soar in limitless space; now, therefore

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Administrator, the officials, the staff, the employees and the private contractors of the National Aeronautics and Space Administration together with Astronauts Armstrong, Aldrin and Collins be and are hereby commended for the extraordinary technical accomplishments of demonstrating the ability of man in escaping from earth the bounds of physical laws, with the implication that all parliaments and other social institutions are challenged to press for the betterment of life on earth; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Administrator of the National Aeronautics and Space Administration.

Approved August 19, 1969.

Time: 9:00 A.M.

Act No. 463

S.J.R. 61—Skidmore

SENATE JOINT RESOLUTION

WHEREAS Anabel Rice Warren, of Tuscaloosa, wife of retired Circuit Judge W. C. Warren passed away on July 23, 1969, and

WHEREAS, Mrs. Warren was much respected and well beloved in her community and contributed greatly to the career of her distinguished husband who served the state as a senator as well as a jurist, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Anable Warren and extend our deepest sympathy to her family.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Judge W. C. Warren.

Approved August 19, 1969.

Time: 9:01 A.M.

Act No. 464	S.J.R. 67—McCarley, Adams, Albea, Bailes, Branyon, Carr, Childs, Clark, Cooper, Dominick, Engel, Folsom, Giles, Gilmore, Givhan, Goodwyn, Harris, Hawkins, Jackson, Leonard, Lindsey, Lolley, McDermott, Morrow, Nabors, O'Bannon, Oden, Pelham, Pierce, Radney, Skidmore, Stone, Torbert, Turner, Vacca
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SENATE JOINT RESOLUTION

WHEREAS, It has been learned to our great sorrow that Mrs. Mildred T. McDow, wife of former Senator James McDow, died last night, August 4, 1969, after an extended illness; and

WHEREAS, Mrs. McDow was a devoted wife and mother, a devout Christian, an active worker in the Baptist Church in Columbiana, and a prominent civic leader in the community; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we extend our profound and heartfelt sympathy to Senator McDow and his family in their great loss.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Senator McDow and his children: James Thomas, Jr., Richard Henry, and Patricia Susan.

Approved August 19, 1969.

Time: 9:02 A.M.

Act No. 465

S.J.R. 68—Stone

SENATE JOINT RESOLUTION

WHEREAS, the Little River Canyon is one of the extraordinary natural resource features of the State of Alabama, and

WHEREAS, that portion of the State of Alabama in which the Little River is situated exists in proximity to major population and commercial centers of the Southeast, and

WHEREAS, due to a rising standard of living, increased mobility, and shorter working hours, the recreational demands of the citizens of the State of Alabama and of neighboring States are increasing, and

WHEREAS, the Little River exists in an unpolluted and near pristine condition, and

WHEREAS, rivers flowing unimpeded by impoundment and diversions are becoming a rare exception in the State of Alabama and nationwide, and

WHEREAS, the historical values related to the Little River and dating from Hernando DeSoto's exploration in the 16th century are of increasingly wide public interest, and

WHEREAS, many of the extraordinary scenic and natural attributes of the Little River from State Highway 35 downstream through Little River Canyon Mouth County Park are on lands now owned by the State of Alabama, and are included within the DeSoto State Park, and

WHEREAS, there is concurrence in the views of private citizens of Cherokee and DeKalb Counties and conservation and recreation agencies that the values of the Little River, its canyon and surrounding environment, comprise an outstanding and rare natural phenomenon of immeasurable wealth to the citizens of the State of Alabama and their posterity.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is incumbent upon the people of the State of Alabama to perpetuate and preserve all or portions of the Little River in its wild, scenic, and unimpaired condition as a unique Alabama resource for outdoor recreation purposes.

BE IT FURTHER RESOLVED, that it shall be the public policy of the State of Alabama to protect the Little River resource from deterioration of its irreplaceable natural features and qualities.

BE IT FURTHER RESOLVED, that it shall be the public policy of the State of Alabama to recognize recreation and fish and wildlife as important legal, beneficial uses of the Little River resource.

BE IT FURTHER RESOLVED, that litter, garbage, car bodies, or refuse of any kind shall not be deposited within the canyon of the Little River.

BE IT FURTHER RESOLVED, that those State of Alabama lands and reaches of the river within the DeSoto State Park and south of the State Highway 35 bridge through which the Little River flows, be designated a State Wild and Scenic River.

BE IT FURTHER RESOLVED, that appropriate State of Alabama agencies are directed to further study, assess and evaluate the Little River resource, to determine and make recommendations to the Governor and the State Legislature for its preservation and compatible uses. A report of the findings and recommendations shall be made to the legislature by July 1, 1970. The recommendations shall be accompanied by a report showing the proposed area, classification, the characteristics which qualify the river or section of river for designation as a Wild and Scenic River, ownership and use of land in the area, the State agency by which the area should be administered, and the estimated costs of acquiring fee title and scenic easements and of developing and administering the area as a Wild and Scenic River. Such studies may be conducted in cooperation with appropriate agencies of the local government and the United States.

BE IT FURTHER RESOLVED, that it be determined which recreational activities including but not limited to hiking, camping, boating, fishing, sightseeing, and hunting, together with necessary support facilities are consonant with public use and the perpetuation of the existing character of the Little River.

BE IT FURTHER RESOLVED, that appropriate State of Alabama agencies confer with the owners of real property and rights adjacent to or related to the Little River resource to determine what cooperative actions can be taken to protect and enhance and provide for compatible public use of this important natural resource.

Approved August 19, 1969.

Time: 9:03 A.M.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the library at Patrick Henry State Junior College be named and known as John D. Forte Library, as a fitting tribute to John Dennis Forte who served with honor and distinction as Superintendent of Education of Monroe County.

Approved August 19, 1969.

Time: 9:04 A.M.

Act No. 467

S.J.R. 70—Cooper

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Science Building at Patrick Henry State Junior College be named and known as Ernest Stone Hall, as a fitting tribute to State Superintendent of Education Dr. Ernest Stone, who has so dedicatedly served the State of Alabama in the promotion and advancement of education, and who, in particular, has given valuable leadership and assistance to Patrick Henry State Junior College.

Approved August 19, 1969.

Time: 9:05 A.M.

Act No. 468

S.J.R. 74—Turner, McDermott, Stone, Nabors

SENATE JOINT RESOLUTION

WHEREAS, The Honorable Richard Lee Holmes, Director of the Alabama Department of Industrial Relations, has been nominated by the Montgomery Jaycees to be considered as one of Alabama's Four Outstanding Young Men; and

WHEREAS, this outstanding individual has made many outstanding contributions to his profession as an attorney, to the department which he heads and the State of Alabama through his faithful and dedicated service; and

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of Alabama, the House of Representatives thereof concurring that we commend the Montgomery Jaycees on their wise judgment in nominating a person of exemplary character, and one who richly deserves this recognition because of his unending service to his fellowmen:

BE IT FURTHER RESOLVED that the Alabama Legislature extend to Mr. Holmes our congratulations on his selection

to represent Montgomery in this competition, and it is our sincere hope that he will be among the four finalists:

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mr. Holmes and to the Montgomery Jaycees.

Approved August 19, 1969.

Time: 9:06 A.M.

Act No. 469

S. 109—Turner

AN ACT

To make a conditional appropriation from the Alabama Special Educational Trust Fund to the Montgomery Institute of Neurological Development for the operation and maintenance of the school.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund for each of the fiscal years ending September 30, 1970 and September 30, 1971 the sum of \$25,000.00 to the Montgomery Institute of Neurological Development for the operation and maintenance of the school. This appropriation is conditional upon the condition of the Alabama Special Education Trust Fund and with the approval of the Governor.

Section 2. The appropriation hereinabove made is to be paid out on warrants of the state comptroller, upon vouchers or requisitions signed by the chief executive of the institute as approved by the Governor.

Section 3. This Act shall become effective October 1, 1969.

Approved August 19, 1969.

Time: 9:07 A.M.

Act No. 470

S. 182—Giles, Jackson, Stone, Gilmore,
Lolley

AN ACT

To provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies.

Be It Enacted by the Legislature of Alabama:

Section 1. The maximum amount allowable to a person traveling inside the State of Alabama in the service of the State

or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies, for expenses other than transportation, shall be fixed by the governor at not more than fifteen dollars per day, and such maximum or limit when fixed from time to time shall be uniform in operation as to all persons traveling within the State on official business.

No travel allowance shall be paid for a trip of less than six hours' duration. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of two dollars and seventy-five cents for a trip of from six to twelve hours' duration and for travel in excess of twelve hours duration the traveler shall be paid one such meal allowance and one-fourth of the per diem allowance.

The per diem allowance provided for in this section shall not be paid to an employee stationed at the same place in the State for a period in excess of two consecutive months; after two consecutive months the amount of the allowance shall be reduced to ten dollars per day, provided, however, that the provisions of this section shall not apply to officers and employees of the State of Alabama when they incur expenses representing the State of Alabama in the encouragement and promotion of trade or industrial development and on such occasions, when such representation is properly approved, such persons shall be reimbursed for the actual expenses incurred and paid by them; provided further that such representation must be approved in advance in writing by the Governor or by the Director of Finance when so designated by the Governor; nor shall the provisions of this section apply to examiners or other persons designated by the Superintendent of Insurance to examine or cause to be examined the domestic insurance corporations qualified in this state when the expense incurred by such persons shall be paid by or collected or received from such corporations examined under the provision of Title 28, Section 54(1).

Section 2. Persons traveling in the service of the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies outside the State of Alabama shall be allowed all their actual and necessary expenses in addition to the actual expenses for transportation, provided such travel shall have first been fully authorized in writing by the governor.

Section 3. Persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies in

privately owned vehicles shall receive ten cents per mile in lieu of their actual expenses for transportation.

Section 4. This act shall apply to all officers and employees of the State of Alabama or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies, and to all persons traveling on official business for the state. All laws or parts of laws in conflict herewith pertaining to expense allowances are expressly repealed. Code of Alabama, title 2, section 35; title 4, section 20(26); title 23, section 8; title 26, section 8; title 35, section 17, title 41, section 154; title 55, section 32, 215, 238, 281; title 55, section 332(3), as amended pertaining to expense allowances, are expressly repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:08 A.M.

Act No. 471

S. 189—Oden

AN ACT

To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles; to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this act, all passenger automobiles bought wholly or partially with state funds for use of state officers and employees on official business shall be standard two-door or four-door sedans in the low price field and shall be equipped as the finance director may direct. Such limitation shall not apply to the limousine bought for the use of the Governor nor to automobiles bought for the state department of public

safety, the alcoholic beverage control board and the department of conservation, for the use of patrolmen, policemen or investigators assigned to such departments for law enforcement purposes. All such automobiles may be specially equipped for the purposes for which they are to be used. State automobiles purchased for the use of heads of state departments shall be within a price range which is not higher than the third level of the low price field.

Section 2. After October 1, 1969, no passenger automobile shall be purchased for or assigned to any officer or employee of any state agency (which term as used in this act includes state boards, commissions, committees, corporations, departments, and offices) except the head or chief executive officer of the agency and such employees of the agency whose duties require the assignment of an automobile, as determined by the head or chief executive officer of the agency and approved by the state finance director. Provided that no such redetermination and approval shall be required for any officer or employee referred to in Section 1 of this act. If any state agency possesses any state passenger automobile on October 1, 1969 other than those authorized to be assigned to such agency according to the provisions of this act, all such unauthorized passenger automobiles shall be declared to be surplus, and shall be transferred to the department of finance, division of service for use in the operation of the transportation pool.

Section 3. A transportation pool shall be maintained at a convenient location in the City of Montgomery by the state department of finance, division of service, for the purpose of providing necessary motor vehicle transportation for state officers and employees who do not have automobiles regularly assigned to them. It shall be the duty of the chief of the division of service to see that all pool cars are maintained in a clean, safe and efficiently operable condition. The chief of the division of service shall appoint a pool dispatcher, and such other personnel as may be necessary to effectively operate the pool, who shall upon request of a state agency head, provide the agency with the automobile as requested. Such pool car shall be loaned to an agency only for a single trip and shall not be assigned to any officer, employee, or other person or agency on any basis other than a trip basis. The pool dispatcher shall keep the necessary maintenance and mileage records for each pool car, and the division of service shall charge state agencies a mileage fee for the use of pool cars. Subject to approval by the director of finance, the chief of the division of service shall fix the mileage fee at an amount sufficient to pay only the cost of salaries of motor pool employees, operating expenses, maintaining, and replacing pool cars. Based upon monthly mileage reports sub-

mitted by the pool dispatcher, the division of service shall render mileage fee bills monthly to state agencies for their use of pool cars. The mileage fee and charges collected shall be deposited to the credit of the revolving fund provided for in Section 5.

Section 4. As many automobiles as needed, maintained in a clean, safe and efficient operable condition, shall be kept in the transportation pool at all times for the use of state officers and employees who need transportation on official business. Surplus automobiles turned in as required in Section 2 may be sold and the proceeds of such sales shall be paid into the transportation pool revolving fund for replacement of automobiles.

Section 5. To finance the operation of the transportation pool the repair, maintenance and replacement of pool cars, the sum of \$25,000 is appropriated from any funds in the state treasury not otherwise appropriated to establish a transportation revolving fund for the use of the department of finance. All fees collected from state agencies for the use of pool cars shall be paid to the finance department to the credit of the transportation revolving fund for the necessary maintenance and replacement of pool cars. It is the intention of the legislature that the transportation pool be made financially self-supporting from the fees charged the various state agencies for pool services.

Section 6. All state agencies having their main office or branch offices in an area or areas beyond the serviceable limits of the transportation pool in Montgomery, shall pool their automobiles in the area or areas in which they are located if their total assignment of automobiles is more than one. Such pools shall be operated and maintained, in so far as is feasible, under the same rules and regulations as are provided for the operation of the transportation pool in Montgomery.

Section 7. It shall be a misdemeanor for any person to use or permit any other person to use any state-owned automobile for any purpose other than official state business; provided, that driving from his home to his office or place of employment or from his office or place of employment to his home, by an officer or employee to whom an automobile is permanently assigned or by an employee to whom a pool car is assigned if hours of departure or return are inconsistent with normal working hours shall be deemed to be an authorized use of the automobile for the purposes of this act. It shall be a misdemeanor for any state employee to obliterate, alter, cover or conceal all or any portion of a license plate affixed to a state vehicle. The director of the state department of public

safety shall be responsible for the enforcement of this provision concerning the use of state-owned automobiles. Any unauthorized or improper use of a state automobile by a merit system employee shall constitute grounds for his dismissal or suspension.

Section 8. The director of finance is hereby empowered to promulgate such reasonable rules and regulations as may be necessary from time to time to administer the provisions of this act, and to provide adequate parking and storage for the pool within the vicinity of the Capitol.

Section 9. All state automobiles shall be maintained and repaired at cost by the bureau of equipment of the state highway department or by the public safety department and all gasoline, lubrication jobs, grease jobs, oil changes, tires and car washes for state automobiles shall be obtained at the facilities of such departments, except in cases which constitute emergencies or whenever such departments are unable to handle the work load or when it is adjudged to be more economical by reason of time or distance to obtain such services elsewhere. The finance director may, however, promulgate reasonable regulations permitting services to be obtained for state automobiles from other sources under such circumstances or conditions as may be necessary or expeditious.

Section 10. All acts of the governor and finance director in establishing a transportation pool prior to the enactment of this act, including transfer of vehicles from various departments to the pool, staffing of pool, and purchase of automobiles from funds allocated to various departments for the acquisition of automobiles during the 1969 fiscal year, are hereby confirmed and ratified.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:09 A.M.

To implement, when ratified, the provisions of that certain Constitutional Amendment proposed by the Legislature of Alabama in adopted at the 1969 Regular Session of the Legislature of Alabama and that authorizes the State, in promoting and aiding the commercial flow of agriculture products within the State or in aid of commerce and use of the waterways of the State, to engage in works of internal improvement by promoting, developing, constructing, maintaining and operating within the State or along navigable streams and waterways now or hereafter existing within the State all manner of elevators, facilities, warehouses, docks, water and rail terminals and other structures and facilities and improvements needful for the convenient use of the same, and to incur indebtedness and issue bonds for said purpose; to implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 262 adopted at 1967 Regular Session of the Legislature of Alabama; to implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding \$10,000,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority of said Department in connection therewith; to authorize the State to become indebted to the extent of not exceeding \$10,000,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment for any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide for the refunding of any bonds issued under this Act; to provide for investment of the proceeds of any bonds issued hereunder and other funds received under this Act, pending the need for such funds; to provide for the use of funds obtained from the operation of improvements constructed with proceeds of any bonds issued hereunder; to make appropriation for payment of the principal and interest on bonds issued under the 1969 Docks Amendment, the 1967 Docks Amendment and the 1957 Docks Amendment from the General Fund of the State; to provide for the acquisition of property for the purpose of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, constructed, or operated pursuant to the provisions of this Act, or Act No. 264 adopted at the 1967 Regular Session of the Legislature, Act No. 311 adopted at the 1957 Regular Session of the Legislature, Act No. 98 adopted at the 1959 Regular Session of the Legislature, Act No. 716 adopted at the 1961 Regular Session of the Legislature, or Act No. 192 adopted at the 1963 Regular Session of the Legislature; and to provide that surplus revenues derived from operation of the State Docks facilities at the Port of Mobile shall be used to meet operating deficits of the facilities constructed under said 1969 Docks Amendment, said 1967 Docks Amendment, or said 1957 Docks Amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The words and phrases hereinafter set forth, wherever used in this Act, shall have the respective meanings hereinafter ascribed to them. "1969 Docks

Amendment" means that certain amendment to the Constitution of Alabama that was proposed by adopted at the Regular Session of the Legislature of 1969. "1967 Docks Amendment" means that certain amendment to the Constitution of Alabama that was proposed by Act No. 262 adopted at the 1967 Regular Session of the Legislature of Alabama. "1957 Docks Amendment" means that certain amendment to the Constitution of Alabama that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama. "The State" means the State of Alabama. "The Department" means the Alabama State Docks Department created by Act No. 103 adopted at the 1955 Regular Session of said Legislature and any department or agency of the State that may succeed to its duties. "Facilities" means elevators, warehouses, docks, water and rail terminals, wharves, piles, quays, compresses, storm haven facilities for all types of watercraft, channels between navigable waterways of the State for the purpose of connecting such waterways and aiding the use thereof, and other related structures, facilities and improvements, that may be needed for the convenient use of the same. "1957 Docks Act" means Act No. 311 adopted at the 1957 Regular Session of said Legislature. "1959 Docks Act" means Act No. 98 adopted at the 1959 Regular Session of the Legislature. "1961 Docks Act" means Act No. 716 adopted at the 1961 Regular Session of the Legislature. "1963 Docks Act" means Act No. 192 adopted at the 1963 Regular Session of the Legislature. "1967 Docks Act" means Act No. 268 adopted at the 1967 Regular Session of the Legislature. "The bonds" means those issued hereunder. "Unit of development" means any one or more facilities acquired pursuant to the provisions of either this Act or the 1957 Docks Act, or the 1959 Docks Act, or the 1961 Docks Act, or the 1963 Docks Act, or the 1967 Docks Act, which may be designated by the Department as a unit of development for the purpose of this Act; provided, that several facilities may be together designated as one unit of development only if they are contiguous to each other or closely related for the purposes of use and operation. "Fiscal Year" means the fiscal year of the Department.

"Inland facilities" means all facilities at any time acquired or constructed pursuant to the provisions of the 1969 Docks Amendment, the 1967 Docks Amendment, or the 1957 Docks Amendment.

"Operating deficit of the inland facilities" means the sum, if any there be, by which the gross revenues derived from the operation of the inland facilities during any fiscal year may be exceeded by the total of all expenses, excluding any deductions for depreciation, incurred during the same fiscal year in the

operation of the inland facilities and in the maintenance thereof in good operating condition.

“Port of Mobile facilities” means the facilities of all kinds known as the State Docks owned by the State and operated by the Department at the Port of Mobile.

“Surplus revenues of the Port of Mobile facilities” means the gross revenues derived from operating the Port of Mobile facilities remaining at the end of any fiscal year after there shall have been deducted therefrom all expenses (excluding any deductions for depreciation), incurred during the same fiscal year in the operation of the Port of Mobile facilities and the maintenance thereof in good operating condition, and all payments required to be made during such fiscal year in order to comply with (a) sinking fund requirements for the Alabama Harbor Improvement Bonds at the time outstanding which were heretofore issued by the State for the development of the Port of Mobile facilities, (b) the obligations and agreements on the part of the Department under any lease agreement at the time in effect which may have theretofore been made by the Department for the rental of facilities located or for use at the Port of Mobile, and (c) the obligations and agreements on the part of the Department which may have been made in any order of the Department providing for issuance of any securities at the time outstanding which were theretofore issued by the Department or by the State and for the payment of which revenues from the Port of Mobile facilities were pledged.

The definitions herein set forth include both the singular and the plural.

Section 2. Authorization of Facilities at Additional Cost of \$10,000,000. In addition to the authority granted to the State by the provisions of any other law, the State is hereby expressly authorized and empowered, at an additional cost to the State of not exceeding \$10,000,000, in promoting and aiding the commercial flow of agriculture products within the State or in aid of commerce and use of the waterways of the State, to engage in works of internal improvement by promoting, developing, constructing, maintaining, and operating within the State or along navigable streams and waterways now or hereafter existing within the State, all manner of facilities all pursuant to the provisions of the 1969 Docks Amendment. All such works, improvements and facilities shall always be and remain under the management and control of the Department. The Department shall be the agency of the State by which the State shall accomplish the acquisition, construction, maintenance and operation of facilities hereunder and shall, in general,

accomplish the purposes of this Act. The use of revenues derived from operation of facilities shall not be deemed incurring of cost by the State within the meaning of this section.

Section 3. Exercise of Powers Hereunder. The State, acting through the Department, shall, in promoting and aiding the commercial flow of agriculture products within the State, or in aid of commerce and use of the waterways of the State, in engaging in the works of internal improvement authorized by this Act, have the power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, control and operate facilities of all kinds within the State or along navigable streams and waterways of the State, to the fullest extent practicable and to such extent as the Department shall deem desirable or proper. The authority herein granted shall include the completion of any dock facilities originally acquired under the provisions of the 1957 Docks Act, or the 1959 Docks Act, or the 1961 Docks Act, or the 1963 Docks Act, or the 1967 Docks Act; and also the dredging of approaches to any dock facilities, acquired, erected, maintained or operated pursuant to this Act, or the 1957 Docks Act, or the 1959 Docks Act, or the 1961 Docks Act, or the 1963 Docks Act, or the 1967 Docks Act. Before the Department shall exercise the authority vested in it hereby with respect to any facilities or any dredging of the approaches thereto, the Department shall first submit plans, including estimates of cost, prepared by competent engineers or architects, and a survey made by competent independent and professional engineers showing the economic feasibility of the proposal envisaged by such plans, to the Governor for his approval or disapproval; and in the event of the Governor's disapproval, the plans shall either be abandoned or be revised and again submitted to the Governor for his approval or disapproval. Prior to the commencement of any constructions, dredging, or other work hereunder for which a permit from, or consent of, any United States authorities may be required by law, the Department shall obtain the requisite permit or consent.

Section 4. Authority Herein Granted is in Addition to Existing Authority of State Docks Department. All administration, supervision, authority and responsibility under this Act and operations conducted hereunder, vested in the Department, shall be in addition to all powers, duties and authority conferred on the Department by any other statute, it being the intent of this Act that the authority, powers, responsibilities and duties imposed by this Act shall be in addition to and supplemental of the powers, authority, responsibilities and duties conferred or imposed on the Department by any other laws of the State.

Section 5. Acquisition of Property. In acquiring rights of way and property necessary for the construction of facilities

and convenient approaches thereto in furtherance of the purposes of this Act, the Department shall have the power to acquire same by gift, lease, purchase, negotiation or condemnation. The Department shall have all powers with respect to the condemnation of properties for the purposes of this Act that were granted to that Department in the 1957 Docks Act; and the exercise of such powers hereunder shall be subject to all limitations and conditions prescribed in the 1957 Docks Act.

Section 6. Current Indebtedness Hereunder. In any operations conducted under this Act, the Department may contract such current indebtedness as is necessarily incident to the progress of the work in accordance with the terms of this Act.

Section 7. The Bonds. In order to provide funds for the purposes of this Act, there are hereby authorized to be sold and issued bonds of the State not exceeding \$10,000,000 in aggregate principal amount, under and subject to the provisions hereinafter set forth. The bond shall be designated as Inland Facilities Bonds of the State, Series 1970. The bonds shall be general obligations of the State for payment of the principal of and interest on which the full faith and credit of the State are hereby irrevocably pledged. The bonds may be issued from time to time in one or more series, shall bear an appropriate series designation, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or interest payable in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as shall be set forth in an order or resolution of the Department; provided that the first installment of principal of bonds of each series must mature not later than ten years from the date of such series and the last installment of principal of bonds of such series shall mature not later than thirty years from such date; and provided, further, that any of the bonds having a stated maturity more than ten years after its date shall be made subject to redemption at the option of the State at the end of the tenth year after the date of such bond and on any interest payment date thereafter under such terms and conditions as may be provided in the order or resolution whereunder such bond is authorized to be issued. The bonds shall be signed in the name of the State by either the facsimile or manually subscribed signatures of the Governor or the Director of the Department, and the Great Seal of the State, or a facsimile thereof, shall be affixed thereto or engraved, lithographed, or imprinted thereon and attested by either the facsimile or manually subscribed signature of the Secretary of State; provided, that the signature on the bonds of any one of the said officials shall be subscribed manually thereon. The bonds may be in either bearer or registered form,

either as to principal or interest or both. Interest on the bonds shall be payable semiannually, interest on coupon bonds being evidenced by interest coupons attached thereto, each of which coupons shall be authenticated by the facsimile signature of the State Treasurer imprinted thereon. Bonds issued in coupon form may be exchanged for fully registered bonds or bonds registered as to principal only. Coupon bonds and registered bonds shall be interchangeable; and upon issuance of a coupon bond for a registered bond, all matured and unearned coupons on said bond shall be by the State Treasurer first clipped from said bond and then cancelled. Regulations for the registration of bonds and for interchange of registered and coupon bonds shall be set forth in the order or resolution authorizing the issuance of such bonds. The State Treasurer shall maintain a record of all of the bonds issued hereunder, and shall maintain a separate record of all of the bonds that are registered, including a record of the names and addresses of the registered holders thereof. No order or resolution providing for the authorization or sale of any of the bonds shall become effective until approved by the Governor. The action of the Department in adopting an order or resolution authorizing the sale of any of the bonds, and the action of the Governor in approving such order or resolution, shall be conclusive evidence that the funds to be derived from the bonds so authorized to be sold are actually needed at the time for the purposes for which bonds are herein authorized to be issued and that the proceeds of such bonds are intended only for such purposes.

Section 8. Sale of the Bonds. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the State for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the Department and the Governor is received all bids may be rejected. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less often than six days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the day fixed for the sale. The Department may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act.

Section 9. Proceeds from the Sale of the Bonds. The proceeds from the sale of any of the bonds (other than refunding

bonds) shall be paid into the State Treasury and kept by the State Treasurer in a separate account and paid over to the Secretary-Treasurer of the Department from time to time in such amounts as shall be directed by the Governor and the money so paid over to the Secretary-Treasurer of the Department shall be held and used only for the accomplishment of the purposes of this Act, and specifically for payment of the cost of acquiring, by construction or otherwise, maintaining and operating, or any of them, in promoting and aiding in the commercial flow of agriculture products within the State or in aid of commerce and use of the waterways of the State, all manner of elevators, facilities, warehouses, docks, water and rail terminals and other structures and facilities and improvements needful for the convenient use of the same. The cost of acquiring any facilities that may be acquired with the proceeds of bonds issued under this Act shall be deemed to include, inter alia, (a) fees of engineers and attorneys and other expenses incidental to such acquisition; and (b) the cost of issuing those of the bonds that may be issued to provide funds for such acquisition. The proceeds derived from the sale of any refunding bonds issued hereunder shall be used only as provided in Section 12 of this Act.

Section 10. Appropriation for Payment of Principal and Interest. There is hereby appropriated for the payment of the principal of and interest on any bonds issued hereunder, under the 1957 Docks Act, or under the 1959 Docks Act, or the 1961 Docks Act, or the 1963 Docks Act, or the 1967 Docks Act, so much as may be necessary for that purpose of any moneys in the General Fund of the State not otherwise appropriated.

Section 11. Application of Revenues from Inland Waterways Facilities. The gross revenues derived from the operation of each unit of development comprising a part of the inland facilities shall be applied for the following purposes in the following order: (a) payment of the expenses of operating and maintaining in good operating condition the unit of development from which such revenues are derived; and (b) payment of the expenses of operating and maintaining in good condition any other unit of development or units of development comprising a part of the inland facilities. Whenever the gross revenues received by the department from the inland facilities during a fiscal year shall be greater than the expenses of operating and maintaining in good operating condition the inland system during the fiscal year, then the revenues from the inland system remaining at the end of the fiscal year after compliance with the first sentence of this section shall be applied for that one or more or all of the following purposes that may be designated by the Department, the sums to be so applied to be in such

amounts and to be applied in such manner as the Department may designate: (1) retention of such amounts, for use as working capital for the inland facilities as the Department may determine to be reasonably necessary for such purpose; (2) payment of the cost of capital and improvements and additions to the inland facilities; and (3) payment at their respective maturities of the principal of or interest on any bonds theretofore issued and at the time outstanding under the 1957 Docks Amendment, the 1967 Docks Amendment, or under this Act; provided, however, that the revenues from the operation of any unit of development the acquisition or construction of which was financed wholly or in part with bonds issued under the 1957 Docks Act shall, to such extent as may be required by the provisions of the 1957 Docks Act, be applied for payment at their respective maturities of those bonds issued under the 1957 Docks Act for payments into the sinking fund created in that Act, and the revenues from the operation of any unit of development the acquisition or construction of which was financed wholly or in part with bonds issued under the 1959 Docks Act shall, to such extent as may be required by the provisions of the 1959 Docks Act, be applied for payment at their respective maturities of the principal of and the interest on those bonds issued under the 1959 Docks Act and for payments into the sinking fund created in that Act, and the revenues from the operation of any unit of development the acquisition or construction of which was financed wholly or in part with bonds issued under the 1961 Docks Act shall, to such extent as may be required by the provisions of the 1961 Docks Act, be applied for payment at their respective maturities of the principal of and the interest on those bonds issued under the 1961 Docks Act and for payments into the sinking fund created in that Act.

Section 12. Refunding Bonds and Investments. The State may at any time, and from time to time, issue refunding bonds for the purpose of refunding the principal of and the interest on any unmatured bonds of the State then outstanding which were theretofore issued under any one or more of this Act, or the 1957 Docks Act, or the 1959 Docks Act, or the 1961 Docks Act, or the 1963 Docks Act, or the 1967 Docks Act. The proceeds from the sale of such refunding bonds shall be paid to the State Treasurer and disbursed on order or resolution of the Department solely to refund and retire those bonds for the refunding of which such refunding bonds are authorized to be issued, and to pay the expenses incurred in such refunding; provided, that pending the time such refunding can be consummated such proceeds may be invested as herein authorized. All provisions of this Act pertaining to bonds issued under

this Act that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to the refunding bonds issued hereunder. The principal proceeds from the sale of any bonds issued hereunder, when not needed for the purposes for which such bonds were issued, and any other moneys received hereunder, when not needed for the purposes for which such moneys may be used, may at the discretion of the Director, with the approval of the Governor, be invested in direct general obligations of the United States of America and the earnings on any investment so made shall be used in the same manner that the moneys so invested are herein provided to be used.

Section 13. Separate Records as to Each Unit of Development. The Department shall establish and maintain a separate record with respect to each unit of development that may have been or may be acquired, constructed or operated in whole or in part under the provisions of this Act, or the 1957 Docks Act, or the 1959 Docks Act, or the 1961 Docks Act, or the 1963 Docks Act, or the 1967 Docks Act. Each such separate record shall show (a) the total amount of the capital investment in each such unit of development, including (i) the amount of such capital investment derived from the proceeds of the bonds issued hereunder, or under the 1957 Docks Act, or the 1959 Docks Act, or the 1961 Docks Act, or the 1963 Docks Act, or the 1967 Docks Act; and (ii) the amount, if any, of the said capital investment derived from any other source; (b) the expense of operating each such unit of development; and (c) the gross revenues derived from the operation of each such unit of development. In the event any proceeds from bonds issued either under this Act, or the 1957 Docks Act, or the 1959 Docks Act, or the 1961 Docks Act, or the 1963 Docks Act, or the 1967 Docks Act, shall be used to pay any of the operating expenses of any unit of development, the amount of bond proceeds so used shall be deemed a part of the capital investment in such unit of development.

Section 14. Use of Surplus Revenue of the Port of Mobile Facilities to Pay Operating Deficit of Inland Facilities. If at the end of any fiscal year there are surplus revenues of the Port of Mobile facilities with respect to that fiscal year and an operating deficit of the inland facilities with respect to that fiscal year then any such surplus revenues shall be used to meet any such operating deficit.

Section 15. Authorization of Charges. The Department shall have the right and power to fix from time to time and to collect reasonable rates and charges for services rendered by,

and for the use of, facilities acquired, constructed or operated pursuant to the provisions of this Act.

Section 16. Revocation of Licenses. Any license heretofore granted by the State, either expressly or by implication, permitting the upland owner to occupy any part of the space between the high water mark and the low water mark of any navigable waterway of this State, or along the banks of any river, stream or waterway of this State, may be revoked or cancelled by the Department in the same manner and subject to the same conditions as those set forth in Section 16 of the 1957 Docks Act.

Section 17. Bonds and Interest Thereon Exempt from Taxation. Any bonds issued pursuant to the authority of this Act and the interest thereon shall be exempt from all taxation by the State of Alabama or any political subdivision thereof.

Section 18. Severability. If any portion of this Act should be held invalid for any cause, such invalidity shall not affect the remaining portions of this Act, which shall remain in full force and effect as to all portions thereof not declared invalid, the Legislature hereby expressly declaring that it would have adopted the remaining portions of this Act notwithstanding the portion thereof declared to be invalid.

Section 19. Effective Date of this Act. This Act shall become effective upon the ratification of the Constitutional Amendment relating to the authorization for incurring indebtedness for internal improvements that was proposed by

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adopted at the Regular Session of the Legislature of 1969. Otherwise, it shall not have any force or effect.

Approved August 19, 1969.

Time: 9:10 A.M.

Act No. 473

S. 239—Pierce

AN ACT

To regulate the execution of certain public contracts for the sale of state-owned tangible personal property or standing timber by competitive bid; to provide for disposition of proceeds from such sales; and prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. All contracts of whatever nature for the sale or disposal of tangible personal property or standing timber

owned by the State of Alabama, other than alcoholic beverages, products of the Alabama Institute for Deaf and Blind, barter arrangements of the state prison system, books, school supplies, food, property used in vocational projects, and types of property the disposal of which is otherwise provided for by law or which, by nature, are incapable of sale by auction or bid made by, or on behalf of, the State of Alabama, or any department, board, bureau, commission, institution, corporation or agency thereof, shall be let by free and open competitive public auction or sealed bids. Every proposal to make a sale covered by this act shall be advertised for at least two weeks in advance of the date fixed for receiving the bids. Such advertisement shall appear at least once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be made and a copy of such proposal shall simultaneously be posted on a readily accessible public bulletin board at the main office of the State Finance Director. Advertisements for bids shall state the item or items to be sold, by class and description, where the property is located, and the dates, time and place the property may be inspected. The advertisements shall further state the date, time and place of auction or opening of sealed bids and no bid shall be received at any time after the time advertised. The bids shall be publicly taken, or opened in case of sealed bids, by the State Finance Director or his authorized representative and all bidders shall be entitled to be present in person or by representative. The award of the contract shall be made to the successful bidder within seventy-two (72) hours after taking of the bids unless the awarding authority, by formal action, provides for a reasonable extension of that period. The bid of the successful bidder so marked, as well as the bids of the unsuccessful bidders in the case of sealed bids, shall be placed on file open to public inspection and shall become matters of public record. (a). Upon written request the State Finance Director shall furnish to any person a description of the article or articles to be sold together with a statement as to the terms of the proposed sale, and, in addition if the request specifies, the Director shall furnish the same information to such person making such request with respect to all future sales of articles of the same class.

Section 2. The Finance Director may sell all items by lot or by individual item whichever method, in his opinion, will bring the highest return for the items so advertised; provided, however, that in the event all bids received are less than the estimated market value of the property the Finance Director may reject all bids and readvertise or sell by negotiated sale, provided further, however, that in the event the property is sold by negotiated sale under the provisions of this section, the

value received must be more than the highest bid or bids received.

Section 3. All educational and eleemosynary institutions governed by a board of trustees or other similar governing body, the Mental Health Department and State Docks Department shall be governed by the provisions of this act with exception that the Director or such other official designated by the governing body, or by the Governor in the case of the State Docks, shall be the substitute for the State Finance Director for the purposes of this act.

Section 4. No officer or employee of the State of Alabama, or any of its departments, boards, bureaus, commissions, institutions, corporations or agencies shall act as agent for any bidder, provided, however, that such officers or employees shall not be excluded from bidding on or purchasing state property under this act.

Section 5. All property advertised under the provisions of this act shall be available for inspection during the normal state office hours and at whatever place advertised for at least forty-eight (48) hours prior to sale.

Section 6. All proceeds from sales made under the provisions of this act shall be paid into the State Treasury or other legally authorized depository to be credited to the fund from which originally purchased.

Section 7. All property sold under the provisions of this act shall be paid for by the purchaser or his representative at the time of removal and said removal shall be not later than seven (7) days after the awarding of the contract unless extended in writing by the Finance Department Director; provided however, the time limit of seven (7) days shall not be applicable to sales of standing timber.

Section 8. Any sale of tangible personal property or standing timber of the State made in violation of the terms of this act shall be null and void and the person or persons responsible for the transaction and his bondsman shall be subject to a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) which may be recovered for the State of Alabama by the Attorney General by suit in the Circuit Court of Montgomery County.

Section 9. Violation of any of the provisions of this act shall constitute a misdemeanor.

Section 10. This act shall not affect liabilities incurred, rights of benefits accrued, or proceedings begun before its effective date.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11 (a). The provisions of this act shall not apply to the sale of diseased, storm or fire damaged timber, nor shall it apply to timber cut on rights-of-way or easements. Such timber may be sold in such manner as the Director of Conservation deems in the best interest of the State provided, however, no sale of diseased timber shall be made until the State Forester shall certify that such timber is diseased and such certification shall be in written form and filed with the Director of Finance.

Section 12. All laws or parts of laws in conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:11 A. M.

Act No. 474

S. 259—Engel, McDermott

AN ACT

Relating to law enforcement in Mobile County; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the Sheriff's Fund and providing for the use of such fund; repealing conflicting laws, and specifically repealing Act No. 413, H. 941, Regular Session 1965 (Acts 1965, p. 602) as to Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940 Title 14, Section 177 shall be Ten Dollars, which shall be collected by the sheriff.

Section 2. Any and all monies collected under Section 1 of this act shall be deposited by the sheriff of Mobile County, in any bank located in Mobile County, into a fund known as the Sheriff's Fund.

Section 3. The Sheriff's Fund as provided in Section 2 of this act shall be drawn upon by the sheriff of Mobile County or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit.

Section 4. The establishment of the Sheriff's Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws and parts of laws which conflict with this act are hereby repealed, and Act No. 413, H. 941, Regular Session 1965 (Acts 1965, p. 602) is specifically repealed as to Mobile County.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:12 A.M.

Act No. 475

S. 266—Branyon

AN ACT

To amend Section 16 of Title 23 of the Code of Alabama of 1940 providing for certain rules and regulations of the highway department.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16 of Title 23 of the Code of Alabama of 1940, be and the same is hereby amended to read as follows: "Section 16. RULES AND REGULATIONS OF HIGHWAY DEPARTMENT.—

(a) The highway department shall have the right and power to adopt all reasonable and necessary rules and regulations for the better construction, repair and maintenance of the public roads and bridges in Alabama under the jurisdiction of the department which the department shall deem proper. The department shall have the power to enter into contracts and agreements with the owners or operators of telegraph or telephone lines, community antenna television systems, power transmission lines, gas districts, gas, water, sewer or other pipe lines which are constructed, to be constructed or operated along or across the right of way of public roads, bridges and highways of this state and to prescribe all reasonable rules and regulations as to the construction, repair or maintenance of the poles, wires and lines of such telegraph, telephone, community antenna television systems or power companies and pipe lines of gas

districts, gas, water, sewer or other pipe line companies so as to insure the safety of the travelling public in using the roads, bridges and highways in this state.

(b) The department may also prescribe any reasonable rules and regulations so as to prevent unnecessary trespassing upon or injury to any of the public roads, bridges or highways of the state, upon which state money may be expended or appropriated, or upon any part of the right of way of any of the public roads or highways in the state upon which state money may be expended or appropriated. The department may also prescribe rules and regulations as to the weight or tonnage of vehicles to be used upon any of the public roads, bridges or highways of the state upon which state money may be expended or appropriated, except as may be otherwise provided by law."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:13 A.M.

Act No. 476

S. 267—Branyon

AN ACT

TO AMEND SECTION 402(65) OF TITLE 37 OF THE CODE OF ALABAMA OF 1940 TO PROVIDE FOR THE USE OF THE PUBLIC ROADS BY GAS DISTRICTS IN THIS STATE.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 402(65) of Title 37, Code of Alabama (1940) is amended to read as follows:

"Section 402(65). Each such district is hereby authorized to use the right-of-way of public highways for construction of gas lines along the margin of said right-of-way subject to the district obtaining written permission from the appropriate county governing body or the State Highway Department as applicable."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:14 A.M.

Act No. 477

S. 337—Turner

AN ACT

To amend Act No. 669, Regular Session 1939, known as the Motor Carrier Act of 1939 (General Acts of Alabama, 1939, p. 1064) by imposing a fee for applications for certificates of public convenience and necessity and permits.

Be It Enacted by the Legislature of Alabama:

Section 1. Section Thirty of Act No. 669, Regular Session 1939, known as the Motor Carrier Act of 1939 (General Acts of Alabama, p. 1064) is amended to read as follows:

“Section Thirty. FEES. In addition to all of the taxes and fees prescribed by law, motor carriers shall pay to the Commission under the provisions of this Act the following:

“A. Every application for a certificate of public convenience and necessity or permit under this Act except applications of motor carriers or predecessors in interest, in bona fide operation prior to the effective date of this Act which are filed under the provisions of Sections Eight A and Eleven A hereof shall be accompanied by an application fee in the amount of one hundred dollars.

“B. Every application for an amendment of a certificate of public convenience and necessity or permit shall be accompanied by an application fee in the amount of one hundred dollars.

“C. Every application for transfer of a certificate of public convenience and necessity, or permit shall be accompanied by a fee of twenty-five dollars.

“D. Every application for approval of a lease of a certificate of public convenience and necessity for a period of more than six months shall be accompanied by a fee of ten dollars.

“E. For every motor vehicle to be used by a motor carrier on the highway of the State of Alabama there shall be paid a registration fee in the amount of one dollar, and the Commission is given authority to adopt reasonable rules and regulations for the issuance of an appropriate or distinguishing plate or tag

for each such motor vehicle upon which the registration fee prescribed by this Act shall have been paid, and such registration or distinguishing plate or tag shall remain with the motor vehicle for which it was issued and shall be non-transferable. It shall be unlawful for any motor vehicle to be operated on the highways of this State without having conspicuously displayed on the front or rear thereof a registration or distinguishing plate or tag duly prescribed and issued for such vehicle by the Commission under the provisions of this Act, provided however, that one such registration or distinguishing plate or tag as provided for by this section shall be issued for each distinguishing plate or identification tag previously issued by the Commission and properly in use by motor carriers holding certificates of public convenience and necessity issued by the Commission or permits theretofore issued, under such reasonable rules and regulations as the Commission may prescribe, but no plate or tag previously issued will be replaced under this proviso until it is determined by the Commission that the carrier holding such plate or tag previously issued is entitled to a certificate or permit under this Act, and pending such determination the use of any such plate or tag previously issued and properly in use on the effective date of this Act, shall be lawful. If in any proceeding in which a motor carrier operating on the effective date of this Act, or prior thereto is seeking a certificate or permit hereunder, it is found that the applicant is not entitled to such certificate or permit and application therefor is denied them in that event, any and all distinguishing plates or identification tags previously issued to such carrier will be void.

"F. All said tax penalties, fees, allowances collected under this Act shall be paid into the State Treasury within thirty days after their receipt and shall be kept separate and apart from all other funds by the State Treasury in a fund to be known as the "Motor Carrier Fund."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:15 A.M.

Act No. 478

S. 340—Turner

AN ACT

To amend further Code of Alabama 1940, Title 24, Section 18, as amended, so as to increase the penalty for obtaining board by fraud or misrepresentation.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 24, Section 18, as amended is further amended to read as follows:

"Section 18. Any person who, by fraud or misrepresentation, or with the intent to deceive or defraud, obtains food or lodging, or other accommodation from any hotel, boarding house or eating house, and fails or refuses to pay for the same, must, on conviction, be fined not more than one thousand dollars, and may also be sentenced to hard labor for the county for not longer than twelve months, when the value of such food, lodging or other accommodation was twenty-five dollars or less; but when such value is more than twenty-five dollars, then such person shall be punishable in the manner prescribed by law for punishing persons guilty of grand larceny."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:16 A.M.

Act No. 479

S. 405—Lindsey

AN ACT

To amend Section 6, as amended, and Section 7 of Act No. 158, Acts of Alabama, First Special Session 1956, entitled An Act to provide for and fix the manner in which the Director of Conservation may execute oil, gas and mineral leases on all lands under the jurisdiction of the Department of Conservation; to further provide for the manner in which the Director of Conservation may execute oil, gas and mineral leases on lands belonging to other State departments or agencies; to further provide for the manner in which lands or any rights of interest therein under any navigable streams or navigable waters, bays, estuaries, lagoons, bayous or lakes, and the shores along the navigable waters to high tide mark, and submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, which is hereby declared to extend seaward six leagues from the land bordering the Gulf, may be leased and managed by the Director of Conservation; to provide for pooling and unitization agreements; to provide for the disposition of revenue derived from such leases; to provide for the Governor's approval for all such agreements, and to further provide for the repeal of all laws in conflict with the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6, as amended, and Section 7 of Act No. 158, Acts of Alabama, First Special Session 1956, entitled An Act to provide for and fix the manner in which

the Director of Conservation may execute oil, gas and mineral leases on all lands under the jurisdiction of the Department of Conservation; to further provide for the manner in which the Director of Conservation may execute oil, gas and mineral leases on lands belonging to other State departments or agencies; to further provide for the manner in which lands or any rights of interest therein under any navigable streams or navigable waters, bays, estuaries, lagoons, bayous or lakes, and the shores along the navigable waters to high tide mark, and submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, which is hereby declared to extend seaward six leagues from the land bordering the Gulf, may be leased and managed by the Director of Conservation; to provide for pooling and unitization agreements; to provide for the disposition of revenue derived from such leases; to provide for the Governor's approval for all such agreements, and to further provide for the repeal of all laws in conflict with the provisions of this Act, are hereby amended so as to read as follows:

"Section 6. All lands proposed to be leased under the provisions of this Act shall be leased only upon the basis of competitive bids. The Director of Conservation shall obtain written, sealed competitive bids on every proposed lease of each tract of such land. Invitations for bids shall be published in THE MONTGOMERY ADVERTISER, Montgomery, Alabama, at least twenty-five (25) days before the final date for submitting bids. Invitations for bids shall contain a statement as to the final date for submitting bids; the time and place at which the bids will be opened; and a legal description, the location, and the approximate acreage of the tract of land proposed to be leased. Publication of the invitations for bids shall also be placed in a newspaper published in the county or counties in which the land is located; however, if a typographical error appears in such ad or ads, same shall not invalidate the sale. Provided, that no tract of land containing more than five thousand two hundred (5,200) acres shall be leased or advertised for lease under the provisions of this Act. Bids shall be opened publicly in the office of the Director of Conservation at the time stated in the invitations for bids. The lease of any tract of land shall be awarded to the highest responsible bidder making the most advantageous offer to the State and the Director of Conservation must either accept the most advantageous offer or reject all bids within five (5) days from the date said bids were opened. The Director of Conservation may reject all bids on any tract of land when, in his opinion, the public interest will be served thereby, but such tract of land shall not thereafter be leased except in accordance with the provisions of this Act.

"Section 7. The revenues that shall accrue under the provisions of this Act from rentals, royalties, and all other sources, and subject to the cost of administration, shall be the property of the department or institution to which said lands belong or in which said department or institution shall own the beneficial interest. All revenue accruing from the lease of the bed of any navigable streams, waterways, bays, estuaries, lagoons, bayous, lakes, and any submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, subject to the cost of administration, shall be paid by the Director of Conservation to the State Treasurer to become a part of the general funds of the State of Alabama. The Division of State Lands of the Department of Conservation shall be entitled to ten per cent (10%) of all revenues, including royalty, bonus, and rentals, derived under the provisions of this Act as cost of administration. Such cost of administration shall be covered into the State Treasury by the Director of Conservation to the credit of the State Lands Fund."

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:17 A.M.

Act No. 480

S. 485—McDermott, Engel

AN ACT

To amend an Act of the General Assembly of Alabama approved February 15, 1876, and entitled "An Act to Regulate Public Schools in the County of Mobile" as last amended by Act of the Legislature of Alabama approved September 14, 1963, by amending Section 5 thereof by including, in the powers of the Board of School Commissioners of Mobile County, the power to employ and pay guards, watchmen, security personnel, or other functionaries, by whatever name called, to preserve the grounds, school buildings and other structures of any character; that belong to or are in the possession of and are under the control of the Board of School Commissioners of Mobile County; from trespass, vandalism, theft, fire or damage of any character; whether or not of like kind with those just stated; and to invest the said guards, watchmen, security personnel, or other functionaries with the right to use such force as may be necessary in the performance of their duties under and pursuant to their employment under the authority of this Act; and the power to let any property which it may own in fee simple; and any property of which, though not owned by it, the Board shall have the statutory right and power of direction, management and control; for any term or period that may seem to the Board, in the exercise of a sound discretion, proper, not to exceed 99 years, provided however, that the Barton Academy Buildings and property are excepted

from the said power to let, and provided further that if the lease be for a term exceeding 50 years and the value of such property shall exceed \$5,000 the lease, to be valid, shall receive the unanimous vote of the said Board and be approved by the Judge of Probate of Mobile County; and provided further that the restriction touching the necessity for unanimous vote of the Board and approval by the Probate Judge shall not apply to leases that may have been made prior to the first day of June, 1969, nor to any leases that may be made to land in Section 16 in Township 4 South of Range 2 West in Mobile County.

Be It Enacted by the Legislature of Alabama:

That an Act of the General Assembly of Alabama approved February 15th, 1876, entitled "An Act to Regulate Public Schools in the County of Mobile" as last amended by Act of the Legislature of Alabama approved September 14th, 1963, be amended by amending Section 5 thereof so as to read as follows:

Section 5. Be it further enacted, that the said Board of School Commissioners shall be entitled to receive, levy, assess and collect all devises, revenues and taxes to which they were by law entitled at the date of the organization of the Board of Education of the State of Alabama; and that they shall have full power to continue in force, revise, modify and improve, as to them may seem fit, the public school system now existing in the County of Mobile, and to make such by-laws, rules and regulations, not inconsistent with the laws of the State and of the United States, for the government of the Board and of said schools, as they may deem expedient or necessary. They shall hold regular meetings of the said Board at such times as they may fix upon, and adjourned or special meetings when necessary. Three members of the Board shall constitute a quorum for the transaction of business, but no business involving a change in the system, rules and regulations, or affecting the general interest of the County, shall be transacted except at a regular meeting, after due notice given, or when a full Board is in attendance. The said Board shall be a body corporate; and may have a common seal; may sue and be sued; may, when the Board deems such desirable, appoint or employ attorneys and pay to them agreed compensation in such manner or fashion as may to the Board seem best; shall have the power to purchase or lease such property for school purposes as in their judgment may be necessary for the proper accommodation and comfort of pupils and teachers, and fix the compensation and bonds of its officers, agents and employees, and change the same at pleasure; provided that the sum or sums so expended shall not exceed, in any one year, twenty per centum (20%) of the income of said board; and provided further that said 20% limitation shall have no application to sums expended for the constructing, furnishing or equipping of school buildings. The said Board shall also have power to sell or exchange any of said property—The Barton Academy buildings and property only

excepted—provided, that when the value of such property shall not exceed five thousand dollars, four of the members of the said Board shall vote in favor of the sale, and when the value exceeds five thousand dollars, the sale, to be valid, shall receive the unanimous vote of said Board and be approved by the Judge of Probate of Mobile County. The said Board shall also have power to let any property which it may own in fee simple; and any property of which, though not owned by it, the Board shall have the statutory right and power of direction, management and control; for any term or period that may seem to the Board, in the exercise of sound discretion, proper, not exceeding ninety nine (99) years, provided, however, that the Barton Academy buildings and property are excepted from the said power to let, and provided further, that if the lease be for a term exceeding fifty (50) years and not exceeding ninety nine (99) years, and the value of such property shall exceed five thousand (\$5,000) dollars, the lease to be valid, shall receive the unanimous vote of the said Board and be approved by the Judge of Probate of Mobile County; and provided further, that the restriction touching the necessity for unanimous vote of the Board and approval by the Probate Judge, shall not apply to any leases that may have been made prior to the first day of June, 1969, nor to any leases that may be made to land in Section 16 in Township 4 South of Range 2 West in Mobile County. The said Board shall also have the power to effect and take insurance upon its property and against all risks and hazards, whether of loss or damage to its property, or of risks and claimed liability as for asserted damage to others, whether of like kind with insurance upon property or not, and including any and every kind, character and description of insurance that may be affected, taken or carried by a private person or corporation, for protection against risks now coverable by any kind of insurance, or that may hereafter be coverable by any kind of insurance, under the law and in accordance with the practice of underwriting; in effecting and taking such insurance, the Board shall have the power to effect and take insurance and cause itself to be insured in any class, type or kind of insurance company, including mutual insurance companies, that, in the discretion of the Board, may seem to it wise, expedient or proper; provided, however, that nothing herein contained shall affect, overcome, or supersede the provisions of Title 28, Sections 317-328, of the Code of Alabama of 1940. The said Board shall have the power also, in the exercise of reasonable prudence, to invest funds derived from the sale of capital outlay warrants and held pending the expenditure thereof for the contemplated capital improvements, and funds from any other source accumulated and held in advance of expenditure by the Board in the operation of the public schools of the county, in obligations of

the United States of America, whether interest-bearing obligations or obligations purchased at discount. The said Board shall have the power also to employ and pay guards, watchmen, security personnel, or other functionaries, by whatever name called, to preserve the grounds, school buildings and other structures of any character that belong to or are in possession of and are under the control of the Board of School Commissioners of Mobile County; from trespass, vandalism, theft, fire or damage of any character; whether or not of like kind with those just stated, with the authority to use such force as may be reasonably necessary in the performance of their duties under and pursuant to their employment under the authority of this Act.

Approved August 19, 1969.

Time: 9:18 A.M.

Act No. 481

S. 547—Givhan

AN ACT

Relating to all counties having populations of not less than 55,000 nor more than 60,000 according to the most recent federal decennial census; authorizing the employment of a deputy clerk for the jury commission and providing for his duties, tenure and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 55,000 nor more than 60,000 according to the most recent federal decennial census, the jury commission shall be authorized to employ a full time deputy clerk who shall serve at the pleasure of said commission and perform such duties as the commission may require.

Section 2. The deputy clerk herein authorized to be employed shall be paid out of the county treasury, in the same manner as other county employees are paid, in an amount to be fixed by the county governing body.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 19, 1969.

Time: 9:19 A.M.

Act No. 482

S. 602—Leonard

AN ACT

To permit the governing body of any county having a population of not less than 65,000 nor more than 95,000, or any municipality within such county to establish within the county, or within the municipality, ambulance service; to permit the county governing body to unite with any municipality within the county in the establishment of such service, making it common for the use of the county and of the municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census, and any municipality within such county, may establish within the county, or within the municipality, ambulance service for the reception and conveyance of the sick, infirm or injured, and may make all needful rules and regulations for the control and management thereof. The county governing body and any municipality within the county may unite in the establishment of such ambulance service, if deemed expedient, making it common for the use of the county and of the municipality, and in making of rules and regulations for the control and management thereof, and shall jointly have the same powers and authority above conferred upon each.

Section 2. The governing body of any such municipality or the county may make an appropriation or appropriations out of their respective treasuries to aid in maintaining such service for the benefit of the public. Any ambulance service established under the provisions of this act may pick up or discharge patients beyond the boundaries of the municipality or county.

Section 3. All laws or parts of laws in conflict with the provisions hereof are, to the extent of such conflict, repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:20 A.M.

Act No. 483

S. 610—Folsom

AN ACT

To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundaries of the Municipality of Cullman, in Cullman County, Alabama, are hereby altered rearranged, and extended to include within the corporate limits of the City of Cullman, Alabama, in addition to the territory now embraced therein, the following described territory situated in Cullman County, Alabama, to-wit: Beginning at the Northwest corner of the Northeast Quarter of Section 5, Ts. 10 S, Range 3 West; thence South 800 feet; thence East 600 feet to a point on existing Cullman Corporate limits; thence Northwest along the existing Cullman Corporate limits approximately 600 feet; thence Northeast along the existing corporate limits approximately 600 feet to a point on the present Cullman Corporate limits, being on North boundary of State Highway right-of-way; thence West along the State Highway right-of-way to point of intersection with the West boundary of the Southeast Quarter of Section 32, Ts. 9 S, Range 3 West; thence South along the West boundary of the said quarter section a distance of 90 feet, more or less, to the Southwest corner of said quarter section, being also the point of beginning of the land herein described; and The North half of the Northwest Quarter of Section 5, Ts. 10 S, Range 3 West; and The South half of the Southwest Quarter of Section 32, Ts. 9 S, Range 3 West; and Two hundred feet of even width off of and across the East side of the Southeast Quarter of the Southeast Quarter of Section 31, Ts. 9 S, Range 3 West; and Two hundred feet of even width off of and across the East side of the Northeast Quarter of the Northeast Quarter of Section 6, Ts. 10 S, Range 3 West.

All being in Cullman County, Alabama.

SECTION 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:21 A.M.

Act No. 484

S. 611—Folsom

AN ACT

To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundaries of the Municipality of Cullman, in Cullman County, Alabama, are hereby altered, rearranged, and extended to include within the corporate limits of the City of Cullman, Alabama, in addition to the territory now embraced therein, the following described territory situated in Cullman County, Alabama, to-wit:

TRACT I:

Southwest Quarter of Southeast Quarter of Section 34, Ts. 9 S, Range 3 West, which is also known as Lot Number 25 of F. J. Crampton Addition to City of Cullman. Northwest Quarter of Northeast Quarter of Section 3, Ts. 10 S, Range 3 West, which is also known as Lot Number 26 of F. J. Crampton Addition to City of Cullman, Alabama. Southwest Quarter of Northeast Quarter of Section 3, Ts. 10 S, Range 3 West. A part of this forty has been plotted and designated as Tanglewood Subdivision to City of Cullman. Northwest Quarter of Southeast Quarter of Section 3, Ts. 10 S, Range 3 West.

All being in Cullman County, State of Alabama.

Tract II:

The Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 17, Ts. 10 S, Range 3 West; and Four Hundred feet of even width off of and across the East side of the Southwest Quarter of the Northwest Quarter of Section 17, Ts. 10 S, Range 3 West; and All that part of Northwest Quarter of Southeast Quarter and of the Northeast Quarter of the Southwest Quarter, Section 17, Ts. 10 S, Range 3 West, lying and being North of the South R-O-W of Highway 278; and a part of the Northwest Quarter of the Southwest Quarter of Section 17, Ts. 10 S, Range 3 West, being more particularly described as follows: Beginning at the Northeast Corner of said forty; thence West along the North forty line 400 feet; thence South 480 feet along a line parallel to and 400 feet West of the East forty line to a point on the South R-O-W of Highway 278; thence North and East along said R-O-W to a point on the East line of said forty; thence North along the East forty line back to the point of beginning; and A part of the Southeast Quarter of Northeast Quarter of Section 17, Ts. 10 S, Range 3 West, being more particularly described as follows: Beginning at intersection of the North R-O-W of Highway 278 and the East line of said forty; thence North along the East forty line 25 feet; thence West along a line parallel to and 25 feet North of the North R-O-W of Highway 278 to a point on the West forty line; thence South along the West forty line 25 feet to a point on the North R-O-W of Highway 278; thence East along the North R-O-W of High-

way 278 back to the point of beginning; and also All that part of the Northeast Quarter of the Southeast Quarter of Section 17, Ts. 10 S, Range 3 West, lying and being North of the South R-O-W of Highway 278.

All being in Cullman County, State of Alabama.

TRACT III:

A part of Southeast Quarter of Southeast Quarter and of Southwest Quarter of Southeast Quarter, Section 5, Ts. 10 S, Range 3 West, described as follows, to-wit: Beginning at Northeast corner of Southwest Quarter of Southeast Quarter, Section 5, Ts. 10 S, Range 3 West; thence running West along forty line 176 feet; thence turning an angle of $89^{\circ} 54'$ and running South 550 feet to point on South line of Lake David Drive; thence East along South line of Lake David Drive 176 feet to point on East line of said forty; thence continuing East approximately 604 feet along South line of Lake David Drive into the Southeast Quarter of Southeast Quarter of Section 5, Ts. 10 S, Range 3 West and across Highway 157 to point on present corporate limits of City of Cullman being on the East R-O-W of Highway 157; thence North along said corporate limits and East R-O-W approximately 600 feet to a point on the North line of said forty; thence West along said North forty line approximately 375 feet back to point of beginning. Including within this description Lots 1 through 13 inclusive of the Ragsdale Subdivision as shown on plat thereof in the Probate Office of Cullman County, Alabama, and other lands.

All being in Cullman County, State of Alabama.

SECTION 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:22 A.M.